DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

January 26, 1928.

MEMORANDUM NO. 519

Ex-officio Commissioner for the Department of Agriculture for Alaska.

Under authority of sections 2 and 3 of the Act of February 10, 1927, "An Act authorizing the designation of an ex-officio commissioner for Alaska for each of the Executive departments of the United States, and for other purposes," Charles H. Flory, Care U. S. Forest Service, Juneau, having been designated as the ex-officio commissioner for Alaska for the Department of Agriculture, the ex-officio commissioner is authorized -

(1) To coordinate the activities of the Department of Agriculture in Alaska.

(2) To consolidate or otherwise, as may be advantageous, to rearrange the fiscal, purchase and property, personnel and other general procedures of the bureau and offices of the department in Alaska.

(3) To submit to the Secretary from time to time recommendations as to the general policies of the Department in Alaska, the extension, reduction, or modification of existing lines of work, or the inauguration of new projects.

(4) To participate in meetings with the ex-officio commissioners of other departments operating in Alaska with a view to considering opportunities for combined procurements or other joint projects promising advantage to the Government service as a whole in Alaska, and to submit recommendations in consequence.

(5) The ex-officio commissioner is authorized to perform the official travel necessary in the performance of his duties, the expense thereof to be met from allotments from the appropriations of the bureaus operating in Alaska.

(6) The ex-officio commissioner shall submit to the Secretary an annual report of his operations, together with such special reports as he may deem advisable.

W M Jardine

Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
DIRECTOR OF PERSONNEL AND BUSINESS ADMINISTRATION
WASHINGTON

January 18, 1928

TO:

COL. GREELEY, FOREST SERVICE.
MR. MACDONALD, PUBLIC ROADS.
DR. ALLEN, EXPERIMENT STATIONS.
MR. REDINGTON, BIOLOGICAL SURVEY.
PROF. MARVIN, WEATHER BUREAU.

I am transmitting herewith draft of proposed memorandum defining in a general way the function and scope of authority of the ex-officio commissioner for Alaska for this Department. I shall appreciate your early consideration of this proposal, and hope that you will be able to attend a conference of the chiefs of the bureaus of the Department with projects in Alaska at this office at two o'clock on Monday, the 23d, and offer at that time such comments or suggestions as you may desire on the subject. Mr. Flory, the Commissioner, will be present, and will go over the major points in the tentative plans for his new work. He will invite discussion of his program, and I feel that such a meeting will be more effective than perhaps any other means in developing needs and opportunities for coordination in our work in Alaska.

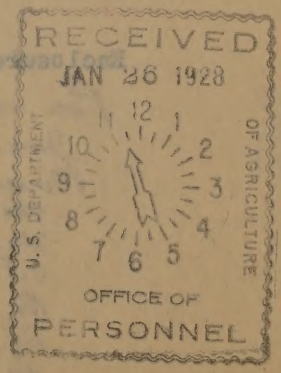
W W Stockberger
Director.

Enclosure.

WBG

Pen note:- Jan. 23, '28
Present
Mr. Flory
Mr. Redington
Col. Greeley
Dr. Clark
Dr. Allen
Dr. Evans.
Mr. Rotherm
WWS

All concurring
WWS.


RECEIVED
JAN 26 1928
U.S. DEPARTMENT
OF AGRICULTURE
OFFICE OF
PERSONNEL

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after full and dis-cussion

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(5) The ex-officio commissioner is authorized to perform the official travel necessary in the performance of his duties, the expense thereof to be met from allotments from the appropriations of the bureaus operating in Alaska.

(6) The ex-officio commissioner shall submit to the Secretary an annual report of his operations, together with such special reports as he may deem advisable.

Secretary.

Under authority of sections 3 and 4 of the act of February 14, 1927, "An act authorizing the appointment of an ex-officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes," approved May 3, 1927, Dr. L. H. Forest Service, Jeneau, having been designed by the ex-officio commissioner for Alaska for the Department of Agriculture, the ex-officio commissioner is authorized -

(1) To coordinate the activities of the Department of Agriculture in Alaska.

(2) To cooperate to otherwise as may be advantageous, to arrange the direct, procedure and property, personnel and other general procedures of the bureau and offices of the department in Alaska.

(3) To submit to the Secretary from time to time recommendations as to the general policies of the department in Alaska, the extension, reduction, or modification of existing lines of work, or the inauguration of new projects.

(4) To participate in meetings with the ex-officio commissioners or other departments operating in Alaska with a view to coordinating opportunities for combined procurements or other joint projects promoting advantage to the Government service as a whole in Alaska, and to submit recommendations in consequence.

(5) The ex-officio commissioner is authorized to perform the official travel necessary in the performance of his duties, the expense thereof to be met from allotments from the appropriations of the bureaus operating in Alaska.

(6) The ex-officio commissioner shall submit to the Secretary an annual report of his operations, together with such special reports as he may deem advisable.

Secretary.

Suggestions as to the Functions and Responsibilities of the Position of Ex-Officio Commissioner for the Department of Agriculture in Alaska established by the Act of February 10, 1927.

Chas. H. Flory - January 3, 1928.

Tentative General Principles

1. The primary function of the Commissioner shall be that of coordinator of all activities and policies for the Department pertaining to Alaska.

2. He shall not be responsible for nor directly concerned with the regular normal prescribed administrative functions of any bureau or agency except the one he specifically represents unless authorized by the Secretary upon recommendation of any bureau.

3. It will be his duty to study the detailed activities, methods of procedure, policies, etc., in conjunction with the local representatives of all bureaus of the Department and submit appropriate recommendations to the Secretary or Chief of Bureau concerned for simplification and coordination as may seem most effective for the greatest economy of time, effort and money.

4. He will be held responsible by the Secretary and the Chiefs of Bureaus for seeing that general policies of the Department with respect to personnel, business efficiency and economy in expenditure of public funds, etc., are in effect and adequately maintained.

5. The Commissioner will serve as an additional local representative of each bureau functioning in Alaska to be freely called upon by a Chief of Bureau in Washington for such assistance as he may deem necessary.

6. Complaints arising within or between two or more local bureaus which can not be settled by the bureau representative concerned shall be referred to the Commissioner for adjustment unless of such nature that action is necessary in Washington. He should be free to be consulted at all times by any local bureau representative regarding personnel or other matters.

7. The Commissioner shall correspond directly with the Secretary's office regarding general or specific departmental

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Chas. H. Ilsley - January 3, 1933.

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7. The Commissioner shall correspond directly with the Secretary's office regarding general or specific departmental

matters or with any Chief of Bureau likewise when necessary.

All correspondence, reports, data, records, etc., shall be maintained as separate files from any bureau.

The Commissioner shall perform such travel within the Territory of Alaska, contiguous portions of Canada and the United States as official requirements may justify.

8. An annual report shall be rendered the Secretary, a copy of which shall be submitted to each Chief of Bureau.

Recommendations for Immediate Coordination and Simplification.

1. Fiscal Activities

All strictly fiscal matters, including disbursements and receipts, shall be concentrated under the jurisdiction of one Fiscal Agent for the Department who shall represent all the bureaus in Alaska.

He shall disburse all funds, in accordance with respective appropriations for each bureau and cover into the Treasury of the United States all receipts credited to each bureau.

Nothing herein shall be construed to prevent each bureau, agency or division maintaining its own administrative audit or other individual financial control of its own allotments as it may deem necessary or required by bureau regulations.

The Fiscal Unit shall consist for the present of the Forest Service Fiscal Agent H. L. Redlingshafer; Auditor and Special Deputy Fiscal Agent Bess O'Neil; and Receipts, File and Correspondence Clerk Grace Carney; together with such part or whole time assistance as is necessary by certain individuals now regularly employed in the Biological Survey including the *Alaska Game Commission, Bureau of Public Roads and Office of Experiment Stations, but who shall still remain on the rolls of their respective bureaus. Such employees will only be responsible to the Fiscal Agent for purely fiscal matters.

The Fiscal Agent shall be responsible for working out the details of assignment and duties of personnel, accounting equipment, records, etc., with the local heads of bureaus and under the general direction and supervision of the Commissioner necessary for the most effective and simplified methods of handling all fiscal and accounting matters.

The Fiscal Agent shall recommend the appointment and supervise all special deputy fiscal agents or temporary disbursing agents at various points in Alaska as the respective bureaus may require.

He shall also keep and maintain such personnel, property or other records as individual bureaus may desire.

*Note: The Alaska Game Commission Act specifically designates the resident executive officer of the Biological Survey as the Fiscal Agent for the Alaska Game Commission. In the event the Solicitor holds that this activity can not be transferred by the Secretary under the Act of February 10, it is suggested that steps be taken to have the Game Act amended.

The Commissioner shall designate three representatives from local bureaus to serve as an auditing committee for the Department.

2. Coordination and simplification in all miscellaneous routine matters such as office methods and practices, housing and equipment of offices and personnel, transportation, interchange of clerical assistance, annual leave, drafting, blueprinting, mimeographing, public relations, salaries, promotions, progressive travel, periodic contact assemblies of bureau heads, dissemination of information, etc., etc.

3. Purchases

The Bureau of Education and the Alaska Railway under the Department of the Interior are now maintaining in Seattle, Wash., a joint purchasing office. Informally this agency has agreed to make certain purchases for the Forest Service. Steps should be taken to establish formal official relations with the aforesaid agency to act as the purchasing agent for all the Department bureaus in Alaska. A policy should be established regarding purchases and a procedure inaugurated whereby combined purchases of general supplies and equipment for the Department as a whole can be made. This may require the financing of a certain amount of clerical help in the Seattle office, funds to be provided by savings effected through combined purchases. In the event the Department of the Interior will be agreeable to such an arrangement and informal discussion indicates that it will consider the matter favorably, a local representative of the Department of Agriculture in Alaska will be designated to handle such local clerical work as is necessary. The Forest Service and the Bureau of Public Roads are the largest purchasers at the present time.

Items for Coordination Requiring Further Study before Putting into Effect

Not arranged in their order of importance nor is this list complete.

1. Decentralization

As far as consistent with public policy, necessary deoartmental procedure, and existing laws if any, all work of the Department in Alaska should be handled by local representatives of the respective bureaus. In this connection the directors of the Experiment Stations whose headquarters are now at Sitka should be transferred to Juneau as soon as funds are available or space can be provided in a Federal building.

Note. A capitol building now seems assured within a comparatively short time.

2. Research

A comprehensive survey should be made of Alaska's natural resources and economic possibilities and a research and development program established which will furnish the basis for a Departmental policy regarding the future economic welfare of the Territory. This might very well be enlarged to include all Federal and Territorial departments looking towards a definite national policy.

3. Coordination of timber sale and fire protection policies on the public domain and National Forests and in administration of timber sales between Forest Service and General Land Office.
(Now being done in part)

4. Coordination between the Alaska Railroad and Forest Service in fire protection and timber utilization. (Reasonably satisfactory cooperation at present.)

5. Coordination and cooperation in development reindeer industry between Department of the Interior, Biological Survey and Alaska College at Fairbanks.

6. Establishment of effective and economical means of making Forest Service marine station at Ketchikan available for the repair and maintenance of all power boats and other floating equipment belonging to the Department in Alaska. Also the possibility of further increasing its facilities to take care of boats belonging to the Bureau of Fisheries as well as other Federal agencies.

7. Fish and game developments on National Forests in cooperation with Biological Survey, Bureau of Fisheries and Territory.

8. Coordination and cooperation between Forest Service, Geological Survey and General Land Office in combined topographic and cadastral surveys and field work.

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10. Coordination of regulations between Forest Service and General Land Office regarding Homesite Law and cooperation in administrative work pertaining to them.

11. Coordination between Forest Service and General Land Office in administering fur farms operated under permit.

12. Cooperation with any Bureaus in any Department in field work in connection with administering affairs of the Fed. P. Commission.

13. Cooperation Department Bureaus with Department of Justice where legal advise necessary.

14. Central property clerk. (?)

[illegible]

[illegible] in the [illegible] in cooperation [illegible] surveys and field work.

[illegible] Conservation for National Forests to [illegible] of Public Roads [illegible] small pro- [illegible] and other areas.

[illegible] tion of [illegible] between Forest Service and [illegible] Bureau of Public Roads [illegible] and cooperation [illegible] administrative work pertaining to [illegible].

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13. Cooperation Department Bureaus with Department of Justice where legal advice necessary.

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DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

MEMORANDUM NO. ___

Coordination of Functions of Department of Agriculture in Alaska.

Pursuant to the provisions of the Act of February 10, 1927 (.) Charles H. Flory having been designated as the Ex-Officio Commissioner for the Department of Agriculture in the Territory of Alaska, the Commissioner is hereby authorized and directed to coordinate the general, personnel, business and fiscal administration of Department of Agriculture activities in Alaska. The Commissioner has reported that he is receiving the cordial co-operation of all members of the Department in Alaska, and I am anxious that our Department continue this desirable condition and organize its work in the Territory so as to render the service for which it is responsible in the most efficient and capable manner possible.

If, from time to time, methods of coordination, of such character that they involve reorganization of work or units engaged therein, are determined by the Commissioner to be desirable in the interest of good administration in Alaska, he shall advise to that effect the principal officer in Alaska of each bureau concerned or involved in the arrangements proposed to be set up, and shall request the comment and views of such officer. Such plans will become effective upon approval of the Secretary of Agriculture after consideration of the recommendation of the Commissioner and the views of the local representatives, which will be forwarded to Washington by the Commissioner, and such other information as the Secretary may require.

Chiefs of bureaus and offices are requested to forward copy of this memorandum to their members in Alaska and to request their cordial cooperation with the Commissioner in carrying out its provisions.

Secretary.

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
Office of the Secretary
Washington, D. C.

June 3, 1941

MEMORANDUM NO. 579, Supplement No. 1

Ex Officio Commission for the Department of Agriculture for Alaska

Under authority of Sections 2 and 3 of the Act of February 10, 1927, "An Act authorizing the designation of an ex officio commissioner for Alaska for each of the Executive Departments of the United States, and for other purposes," B. Frank Heintzleman, Regional Forester in charge of the Alaska region, with headquarters at Juneau, Alaska, is hereby designated as the ex officio commissioner for Alaska for the Department of Agriculture, and is authorized:

1. To collaborate with other agencies of the Department of Agriculture in Alaska and to keep the Secretary of Agriculture fully informed on any developments relating to agriculture.

2. To act as the representative of the Secretary of Agriculture in all meetings on matters pertaining to agricultural resources and other activities of the Department.

3. To submit to the Secretary from time to time recommendations as to the general policies of the Department in agriculture, the extension, reduction, or modification of existing lines of work, or the inauguration of new projects.

4. The ex officio commissioner is authorized to perform the official travel necessary in the performance of his duties, the expenses thereof to be met from allotments from the appropriate appropriation.

/s/ Paul H. Appleby
Under Secretary

Proofread
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F.M. 2m

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON

Reg. No. 1010 (Sec.)
July 16, 1942

July 16, 1942

MEMORANDUM NO. 579, SUPPLEMENT 2

Ex-Officio Commissioner for Alaska
for the Department of Agriculture

Attached is a copy of Executive Order 9181 of June 11, 1942, which establishes an Alaska War Council.

The ex-officio Commissioner for Alaska for the Department of Agriculture is hereby designated as special representative of the Department, within the terms of Executive Order 9181. In addition to the authority given him in Memorandum No. 579, Supplement No. 1 of June 2, 1941, he is authorized, as the representative of the Secretary, to make such decisions and take such action as may be necessary for the prompt performance of the duties of the Department and its agencies and for meeting emergencies requiring the furnishing of special services by the Department or its agencies, in the Territory of Alaska.

As required by the Executive Order, the ex-officio Commissioner shall maintain close liaison with the military authorities in Alaska, and shall conform with such requests as the Secretary of War may deem necessary for the effective utilization in the prosecution of the war of the services, personnel, equipment, and facilities of the Department and its agencies.

Paul H. Appleby

Acting Secretary

AUTHORIZATION
Alaska, Ex-Officio Commissioner for
Alaska War Council, Establishment of
Commissioner for Alaska, Authorization of Duties
mr.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

MAY 8 - 1928

MEMORANDUM NO. 580.

FILE
P. L. GLADMON

PREPARATION OF THE MONTHLY CROP REPORTS OF THE DEPARTMENT OF AGRICULTURE.

Sec. 1. All previous orders and regulations governing the preparation and publication of the monthly crop reports of the Department of Agriculture are hereby revoked, and the following regulations shall be effective hereafter, subject to amendment by the Secretary of Agriculture.

Sec. 2. The monthly crop reports of the Department of Agriculture, hereinafter called the Department, shall be prepared by the Crop Reporting Board of the Department, hereinafter called the Board, consisting of the Chairman and five or more additional members, and shall be officially approved by the Secretary (or Acting Secretary) of Agriculture before being issued or published.

Sec. 3. The administrative officer in charge (or acting in charge) of the division of crop and livestock estimates, (hereinafter called the division) of the Bureau of Agricultural Economics, (hereinafter called the Bureau), shall be the Chairman (or Acting Chairman) of the Board, (hereinafter called the Chairman, unless some other officer of the Department shall be so designated by the Chief of the Bureau and approved by the Secretary of Agriculture. The Secretary of the Board shall be designated by the Chairman from the professional staff of the Division in Washington, subject to the approval of the Chief of the Bureau. The members of the Board shall be selected by the Chairman, subject to the approval of the Chief of the Bureau, from the professional staff of the Division in Washington and from the professional staff of the Division in charge of Field offices of the division; provided, that when preparing the monthly reports for corn, wheat, or oats, two or more members shall be selected from the professional staff in charge of Field offices; and provided further, that when preparing the monthly reports for cotton, not less than three members shall be selected from the professional staff in charge of Field offices, as provided in the Act of May 3, 1924 (43 Stat. L. 115).

Sec. 4. The Chairman shall before the first of December each year, prepare a schedule of crop reports, which shall include the monthly crop reports, for the following year showing the character of the reports and the dates and hours of publication. This schedule of reports shall be effective when approved by the Secretary of Agriculture, and may be amended by him at any time.

Sec. 5. The contents, and every part of the contents of each and every report provided for in the previous section, and the information and every part of the information utilized in the preparation of each and every such report,

shall be withheld from publication until the time provided for the publication of the report by the above section or such amendments thereto as may be made from time to time; Provided, That when officially requested by a State agency cooperating under agreement with the Bureau in gathering crop and livestock statistics, the details of the monthly crop reports for individual States may be withheld for these States from publication on the dates specified for the publication of the monthly crop reports and may be published at such time as may be agreed upon in advance, but in no event later than the 10th of the month; and Provided further, that the Board may notify officers in charge of Field Offices of the division after the publication of the report for the United States, of the details of the reports for individual States.

Sec. 6 No person or persons other than members of the Board and other employees actually engaged in the preparation of the reports provided for in Sec. 4 shall have access to any report, or to the data used in the preparation of any report, in advance of its publication, unless such other person or persons are actually in the Board rooms on the day of the publication of such reports after the doors are locked as provided in Sec. 14 herein. No member of the Board or other employees engaged in the preparation of reports shall, before the publication of any report provided for herein, wilfully impart any information contained therein or any part thereof, directly or indirectly, to any person not entitled under the law and rules of the Department to receive the same, (Act March 4, 1909. 35 Stat. 1111). The Board may under this regulation notify officers in charge of Field offices of the division, in advance of publication, of changes made by it from recommendations submitted by such officers for non-speculative items as defined in Sec. 7 herein.

Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to enable any member, members or assistants of the Board to approximately anticipate the Board's forthcoming report on the condition, yield, probable production, or stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Kentucky, Wisconsin, Texas, Tennessee, Michigan, and Oklahoma.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Pennsylvania, Washington, Texas, Michigan, Oregon, Colorado, California, Iowa, and Idaho.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Pennsylvania,

Kansas, New York, and Oklahoma.

(5) Cotton in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(6) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the Field offices of the division.

Sec. 8. Speculative data collected by the Washington office of the division shall be tabulated in the Tabulating and Computing Section of that division as follows:

(a) The individual reports shall be assembled and listed by crop reporting districts.

(b) A summary shall be made of the district data specified in Sec. 8-a above for approximately one-half of the districts, for each State and each such summary forwarded at once by the officer in charge, or acting in charge, of the Tabulating and Computing Section to the Secretary of Agriculture in a sealed envelope marked "Special A". A separate summary of the data for the remaining districts shall be handled in the same manner.

(c) No other summary of the above data shall be made prior to the time that the Board meets behind locked doors to prepare the report.

Sec. 9. Speculative data collected by the Field offices of the Division shall be summarized in the Field offices, which summary, together with recommendations of the officer in charge of each such office shall be transmitted by mail or telegraph to the Secretary of Agriculture. When transmitted by mail, the summary and recommendations shall be forwarded in a sealed envelope marked "Special A". When transmitted by telegraph, the summary and recommendations shall be forwarded in a secret code provided by the Secretary of the Board.

Sec. 10. The officer in charge, or acting in charge, of the Department telegraph office shall place each telegram received by him containing speculative crop report data in a sealed envelope marked "Special A" and deliver such envelope to the office of the Secretary of Agriculture.

Sec. 11. All "Special A" envelopes containing speculative crop report data received in the office of the Secretary of Agriculture shall, immediately upon receipt and without breaking the seals thereof, be placed in the locked box in the office of the Secretary of Agriculture provided for that purpose.

Sec. 12. Immediately preceding the convening of the Board on the day a report

[illegible], New York, and Delaware.

(c) Cotton in Texas, Louisiana, Oklahoma, Arkansas, Alabama, [illegible], Tennessee, and Georgia.

(d) Any other data, than specified above, which the Chairman shall define as speculative".

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times furnished directly to the Board by the officers in charge of the field offices of the division.

Sec. 2. Speculative data collected by the Washington office of the division shall be tabulated in the Tabulating and Computing Section of that division as follows:

(a) The individual records shall be assembled and listed by crop reporting districts.

(b) A summary shall be made of the detail data specified in Sec. 3-a above for approximately one-half of the districts, for each three and one half months, forwarded at once by the officer in charge, or acting in charge, of the Tabulating and Computing Section to the Secretary of Agriculture in a sealed envelope marked "Special A". A separate run by of the data for the remaining districts shall be handled in the same manner.

(c) No other summary of the above data shall be made prior to the time set forth in Section 4 hereof.

Sec. 3. Speculative data collected by the field officers of the division shall be summarized in the field offices, upon summary, tabulated with recommendations of the officer in charge of each such office shall be transmitted by mail or telegraph to the Secretary of Agriculture. When transmitted by mail, the summary and recommendations shall be forwarded in a sealed envelope marked "Special A". When transmitted by telegraph, the summary and recommendations shall be transmitted in a secret code provided by the Secretary of the Board.

Sec. 4. [illegible]

[illegible] speculative crop report data in a sealed envelope marked "Special A" [illegible] envelope to the office of the Secretary of Agriculture.

Sec. 5. All "Special A" envelopes containing speculative crop reports data received in the office of the Secretary of Agriculture shall, immediately upon receipt and without breaking the seals thereof, be placed in the locked box in the office of the Secretary of Agriculture provided for that purpose.

Sec. 6. Immediately preceding the convening of the Board on the day a report

is to be published, the locked box in the office of the Secretary of Agriculture containing the "Special A" envelopes shall be opened and the "Special A" envelopes removed in the presence of the administrative assistant to the Secretary of Agriculture, the Chairman, one other member of the Board, and a special guard provided by the Office of the Secretary of Agriculture. The Chairman and other member of the Board, accompanied by the guard, shall then proceed directly to the Board rooms.

Sec. 13. The Board rooms shall consist of the board room proper and all adjacent rooms occupied during the session of the Board by clerks, stenographers, and others engaged in assisting the Board in the preparation of the report.

Sec. 14. Previous to the arrival of the Chairman, other member of the Board, and guard, with the sealed "Special A" envelopes, the Secretary, or acting secretary, of the Board, shall have caused all windows in the Board rooms to be sealed in such manner as to prevent communication between persons within the Board rooms and persons outside, and the officer in charge of the Department's branch telephone exchange shall have caused to be disconnected all telephones, buzzers, and similar means of communication from the Board rooms. Immediately after the entrance of the Chairman and other member of the Board into the Board rooms, with the sealed "Special A" envelopes, the guard shall lock all doors leading from the Board rooms, and remain on watch until the report is released. While on watch the guard shall not permit any oral communication between persons within the Board rooms and persons outside, and shall unlock the door only to permit:

(a) The entrance of:

(1) The Secretary, or Acting Secretary of Agriculture.

(2) The Chief or Assistant Chief of the Bureau.

(3) Other officers or employees of the Department having written permission from the Chairman.

(4) All employees of the Division, whose presence is required in the preparation of the report.

(5) All other persons having written authority from the Secretary or Acting Secretary of Agriculture or from the Chief or Acting Chief of the Bureau.

(b) The delivery of mail, telegrams, written communications or supplies for the use of the Board.

(c) The departure of:

(1) The Secretary or Acting Secretary of Agriculture, the Chairman and such other persons as may be designated at the time by the Chairman

for the purpose of proceeding, under guard, to the room provided for the publication of the report.

(2) Any person in the case of extreme emergency, in which event a member of the guard shall accompany and remain with such person until the publication of the report.

(3) All persons in case of fire.

Sec. 15. No one actively engaged in the work of making private crop forecasts or estimates or who is acting as a crop observer for either himself or for any other individual, firm, corporation, or association, shall be admitted to the Board rooms, while the Board is in session.

Sec. 16. Upon the completion of any report provided for in Section 4 of these regulations, a copy of it must be signed by the Chairman and each member of the Board, and approved in writing by the Secretary or Acting Secretary of the Department of Agriculture before it is published. The Secretary of the Board shall maintain a file of the signed copies of the reports. The Chairman of the Board shall provide copies of the approved report, and accompanied by not less than two other persons, shall take these copies from the Board rooms to the publication room before the time specified for the publication of the report.

Sec. 17. The officer in charge, or acting in charge, of the Department's telegraph office, shall act as release officer and shall provide in the publication room suitable telegraph and telephone facilities for all persons desiring such facilities for the transmission of the report upon its publication.

Sec. 18. Upon the arrival in the publication room of the Chairman and persons accompanying him, the release officer shall cause all persons other than the Chairman and persons accompanying him to remain within a prescribed area until the publication of the report, the limits of which area shall be not less than six feet from the telephones, telegraph instruments, and tables or shelves provided for distribution of copies of the report. The Chairman shall then place one copy of the report, face down, beside each telephone and telegraph instrument, and additional copies, face down, upon the tables or shelves provided for that purpose. At the exact time provided for the publication of each report, the release officer shall inform those present that the report is published and permit access to the copies of the report. The release officer shall then notify the guard at the door of the Board rooms that the report has been published, and the guard thereupon shall unlock the doors.

Sec. 19. In the event that the report should not be completed and approved for publication at the designated time, the Chairman shall, within ten minutes of the time designated for the publication of the report, notify the guard of the time when the report will be ready for publication. The guard will immediately notify the release officer, who, in turn, will notify all

persons present in the publication room for the purpose of receiving the report.

Sec. 20. The Chief of the Bureau shall deliver a copy of these regulations, a copy of the schedule of reports provided for in Sec. 4 of these regulations, copies of such amendments thereto as may be made from time to time, and copies of Sections 123 and 124 of the Act of March 4, 1909 (35 Stat. 1110), to each officer and employee of the division, to each person authorized in Sections 5 and 6 of these regulations to receive crop report data in advance of publication, and to each other person admitted to the Board rooms during the preparation of any report provided for in Sec. 4 of these regulations, and take his receipt for each such copy.

Sec. 21. These regulations may be amended at any time by the Secretary or Acting Secretary of Agriculture.

W M Jardine

Secretary.

May 3, 1928.

MEMORANDUM FOR THE SECRETARY

Dear Mr. Secretary:

I am forwarding herewith a draft of proposed regulations covering the preparation and issuance of the monthly crop reports of the Department.

These regulations are designed to replace all existing regulations and are so drawn as to include all of the salient points in previous regulations and amendments, systematize the entire procedure of the preparation and issuance of crop reports, reduce to a minimum the number of amendments needed to keep the regulations up-to-date, and make it unnecessary to reprint the regulations annually. It will be necessary to print after the approval of these regulations, first, the list of crop reporting dates, and second, amendments to the regulations themselves. At present the procedure of preparing and issuing crop reports is governed by the annual printed regulations supplemented by various and sundry memoranda from the Secretary's Office and other sources. These memoranda have been issued at various times without revoking previous memoranda so that in some instances they are somewhat in conflict. Furthermore, the existing regulations hamper the work of the Crop Reporting Board to the extent of reducing its efficiency without a compensating increase in safeguarding the integrity of the reports. The new regulations cover the procedure in such a way as to properly safeguard the reports and at the same time makes it possible for the Board to handle the work advantageously. An analysis of production in various States shows that in a number of States production is so slight as to have no appreciable effect on the United States totals. Under the new regulations it will be possible for the Statisticians in these States to forward their report direct to the Board so that on crop reporting day itself, the Board may concentrate upon the estimates for the important States.

I respectfully recommend that these regulations be approved.

Very truly yours,

Chief of Bureau.

Enclosure.
WFC/dac

May 2, 1938.

REGULATIONS ON THE [illegible]

Dear Mr. Secretary:

I am forwarding herewith a draft of proposed regulations covering the warehousing and issuance of the monthly crop reports of the Department.

These regulations are designed to replace all existing regulations and are so drawn as to include all of the salient points in previous regulations and amendments, systematize the entire procedure of the preparation and issuance of crop reports, reduce to a minimum the number of amendments needed to keep the regulations up-to-date, and make it unnecessary to print the regulations annually. It will be necessary to print after the approval of these regulations, first, the list of crop reporting dates, and second, amendments to the regulations themselves. At present the procedure of preparing and issuing crop reports is governed by the usual printed regulations supplemented by various and numerous memorandums from the Secretary's Office and other sources. These memorandums have been issued at various times without revoking previous memorandums so that in some instances they are somewhat in conflict. Furthermore, the existing regulations hamper the work of the Crop Reporting Board in the extent of reducing its efficiency without a commensurate increase in safeguarding the integrity of the reports. The new regulations cover the procedure in such a way as to properly safeguard the reports and at the same time make it possible for the Board to handle the work advantageously. An analysis of production in various States shows that in a number of States production is so slight as to have no appreciable effect on the United States totals. Under the new regulations it will be possible for the statisticians in charge of these States to forward their report direct to the Board so that [illegible] by itself, the Board may concentrate upon the estimates for the important States.

I respectfully recommend that these regulations be approved.

Very truly yours,

Chief of Bureau.

Enclosure.
WC:dbs

DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

580 Supplemental

Due to changes in the importance of certain grain crops in the various states, Section 7 of Memorandum No. 580, "Preparation of the Monthly Crop Report of the Department of Agriculture", of May 8, 1928, is amended to read as follows:

"Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to enable any member, members or assistants of the Board to approximately anticipate the Board's forthcoming report on the condition, yield, probable production, or farm stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Wisconsin, Texas, Michigan, and Oklahoma.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Washington, Texas, Michigan, Oregon, Colorado, Iowa, Idaho, and Montana.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Kansas, and Oklahoma.

(5) Cotton in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(6) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the Field offices of the division."

These regulations as hereby amended shall be effective at once and may be further amended at any time by the Secretary of Agriculture.

Arthur M. Hyde

Secretary.

(d) Any other date, than specified above, which the Chairman shall define as speculative.

(e) Non-speculative date, which are defined to be date other than speculative date mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the Field offices of the division."

These regulations as hereby amended shall be effective at once and may be further amended at any time by the Secretary of Agriculture.

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
WASHINGTON, D. C.

March 27, 1930

Hon. Arthur M. Hyde,
Secretary of Agriculture.

Dear Mr. Secretary:

I am sending you, herewith, a memorandum amending your Memorandum No.580, Section 7, to effect certain desirable changes in the issuance of our crop reports.

The increasing importance of winter wheat in Montana makes its inclusion in the speculative group of crop report data imperative. On the other hand, two years' experience in preparing crop reports as stipulated in Secretary's Memorandum No.580 has demonstrated that the safe handling of the data does not require that the information concerning winter wheat in California and Pennsylvania; oats in New York and Pennsylvania; and corn in Kentucky and Tennessee be considered speculative.

In order to facilitate the preparation of these several reports it is requested that the changes indicated in the attached memorandum be made.

Sincerely yours,

Nils A. Olsen
Chief of Bureau.

Enclosure.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
WASHINGTON, D. C.

March 24, 1930

MEMORANDUM FOR THE SECRETARY

Dear Mr. Secretary:

The increasing importance of winter wheat in Montana makes its inclusion in the speculative group of crop report data imperative. On the other hand, two years' experience in preparing crop reports as stipulated in Secretary's Memorandum No. 580, "Preparation of the Monthly Crop Reports of the Department of Agriculture" has demonstrated that the safe handling of the data does not require that the information concerning winter wheat in California and Pennsylvania; oats in New York and Pennsylvania; and corn in Kentucky and Tennessee be considered speculative.

In order to facilitate preparation and handling of these data, it is recommended that Memorandum 580, Section 7, be amended to read as follows:

"Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to enable any member, members or assistants of the Board to approximately anticipate the Board's forthcoming report on condition, yield, probable production, or farm stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Wisconsin, Texas, Michigan, and Oklahoma.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Washington, Texas, Michigan, Oregon, Colorado, Iowa, Idaho, and Montana.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Kansas, and Oklahoma.

(5) Cotton in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(6) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the Field offices of the division."

Very truly yours,

Nils A. Olsen
Chief of Bureau.

COPY

DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

MAR 31 1930

Due to changes in the importance of certain grain crops in the various states, Section 7 of Memorandum No. 580, "Preparation of the Monthly Crop Report of the Department of Agriculture", of May 8, 1928, is amended to read as follows:

"Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to enable any member, members or assistants of the Board to approximately anticipate the Board's forthcoming report on the condition, yield, probable production, or farm stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Wisconsin, Texas, Michigan, and Oklahoma.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Washington, Texas, Michigan, Oregon, Colorado, Iowa, Idaho, and Montana.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Kansas, and Oklahoma.

(5) Cotton in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(6) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the Field offices of the division."

These regulations as hereby amended shall be effective at once and may be further amended at any time by the Secretary of Agriculture.

(S) Arthur M. Hyde

Secretary.

(d) any other data, than specified above, which the Contractor shall define as specialists.

(e) Non-specialists data, which are defined to be data other than specialists data mentioned above, and which may be at all times furnished directly to the Board by the officers in charge of the field offices of the division."

Since negotiations on Survey manuals shall be attended as one and may be further assessed at any time by the Government officers.

(c) Arthur M. Ayre

Secretary.

Copy

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
WASHINGTON, D.C.

March 27, 1930

Hon. Arthur M. Hyde,
Secretary of Agriculture.

Dear Mr. Secretary:

I am sending you, herewith, a memorandum amending your Memorandum No.580, Section 7, to effect certain desirable changes in the issuance of our crop reports.

The increasing importance of winter wheat in Montana makes its inclusion in the speculative group of crop report data imperative. On the other hand, two years' experience in preparing crop reports as stipulated in Secretary's Memorandum No.580 has demonstrated that the safe handling of the data does not require that the information concerning winter wheat in California and Pennsylvania; oats in New York and Pennsylvania; and corn in Kentucky and Tennessee be considered speculative.

In order to facilitate the preparation of these several reports it is requested that the changes indicated in the attached memorandum be made.

Sincerely yours,

(S) Nils A. Olsen
Chief of Bureau.

Enclosure.

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, WASHINGTON
WASHINGTON, D.C.

March 27, 1950

Mr. Arthur E. Ryde,
Secretary of Agriculture.

Dear Mr. Secretary:

I am sending you, herewith, a memorandum covering this Department's, Mr. Dwight D. Eisenhower's, direct certain distinctive changes in the issuance of our area reports.

The increasing importance of timber cheat in Western white fir, Douglas-fir, and ponderosa pine, and the need for more report data important. In the other hand, the years' experience in preparing area reports on stipulated in Secretary's memorandum of, has demonstrated that the data required of the data does not require that the information concerning water wood in California and Washington; oats in New York and Pennsylvania; and corn in Indiana and Tennessee be included quantities.

In order to facilitate the preparation of final area reports it is requested that the changes indicated in the attached memorandum be made.

Sincerely yours,

(S) Lyle F. Watts
Chief of Bureau.

Enclosure.

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF AGRICULTURAL ECONOMICS

WASHINGTON, D. C.

March 24, 1930

MEMORANDUM FOR THE SECRETARY

Dear Mr. Secretary:

The increasing importance of winter wheat in Montana makes its inclusion in the speculative group of crop report data imperative. On the other hand, two years' experience in preparing crop reports as stipulated in Secretary's Memorandum No. 580, "Preparation of the Monthly Crop Reports of the Department of Agriculture" has demonstrated that the safe handling of the data does not require that the information concerning winter wheat in California and Pennsylvania; oats in New York and Pennsylvania; and corn in Kentucky and Tennessee be considered speculative.

In order to facilitate preparation and handling of these data, it is recommended that Memorandum 580, Section 7, be amended to read as follows:

"Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to enable any member, members or assistants of the Board to approximately anticipate the Board's forthcoming report on condition, yield, probable production, or farm stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Wisconsin, Texas, Michigan, and Oklahoma.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF AGRICULTURAL ECONOMICS

WASHINGTON, D. C.

March 4, 1940

<u>CHANGES IN THE MONTHLY REPORT</u>

Dear Sir, Secretary:

The increasing importance of winter wheat in Kansas makes its inclusion in the preliminary group of crop reports desirable. On the other hand, the years' experience in preparing crop reports as explained in Secretary's Memorandum No. 820, "Preparation of the Monthly Crop Reports of the Department of Agriculture" has demonstrated that the acts requiring of the data does not require that the information concerning winter wheat in California and Pennsylvania; oats in New York and Pennsylvania; and corn in Delaware and Maryland be considered preliminary.

In order to facilitate preparation and handling of these data, it is recommended that Memorandum 820, section V, be amended to read as follows:

"Sec. V. Data used by the Board in the preparation of the monthly crop reports shall be classified as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to obtain any manner, nature or measure of the Board to approximately anticipate the Board's forthcoming report on condition, yield, probable production, or farm stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the same data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, North Dakota, Michigan, Texas, Kentucky, and Arkansas.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Washington, Texas, Michigan, Oregon, Colorado, Iowa, Idaho, and Montana.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Kansas, and Oklahoma.

(5) Cotton in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(6) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the Field offices of the division."

Very truly yours,

(S) Nils A. Olsen

Chief of Bureau.

(3) Other states in Canada, Alabama, Illinois, Indiana, Iowa, Indiana, Kansas, Kentucky, Maine, Michigan, Ohio, Pennsylvania, Utah, Idaho, and Montana.

(4) Spring week in Utah (Kansas, Montana, Nebraska, Nevada, Oregon, Washington, Idaho, and Oregon.

(5) Week in June - Alabama, Illinois, Kansas, New Jersey, California, Iowa, North Dakota, Indiana, Michigan, Texas, Kansas, and Oklahoma.

(6) Week in May, Maryland, Nebraska, Kansas, Alabama, Georgia, New Jersey, North Dakota, Nevada, Oregon, and Tennessee.

(7) Any other date, when specified above, when the Chairman shall notify in advance.

(8) Non-prohibitive days, which are defined to be days other than specifically the additional days, and which may be on all days forwarded directly to the Court by the officers in charge of the birth offices of the states.

Yours truly,

(S) Mile A. Omer

Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
Washington

MAY 8 - 1928

MEMORANDUM NO. 580

PREPARATION OF THE MONTHLY CROP REPORTS OF
THE DEPARTMENT OF AGRICULTURE.

Sec. 1. All previous orders and regulations governing the preparation and publication of the monthly crop reports of the Department of Agriculture are hereby revoked, and the following regulations shall be effective hereafter, subject to amendment by the Secretary of Agriculture.

Sec. 2. The monthly crop reports of the Department of Agriculture, hereinafter called the Department, shall be prepared by the Crop Reporting Board of the Department, hereinafter called the Board, consisting of the Chairman and five or more additional members, and shall be officially approved by the Secretary (or Acting Secretary) of Agriculture before being issued or published.

Sec. 3. The administrative officer in charge (or acting in charge) of the division of crop and livestock estimates, (hereinafter called the division) of the Bureau of Agricultural Economics, (hereinafter called the Bureau), shall be the Chairman (or Acting Chairman) of the Board, (hereinafter called the Chairman, unless some other officer of the Department shall be so designated by the Chief of the Bureau and approved by the Secretary of Agriculture. The Secretary of the Board shall be designated by the Chairman from the professional staff of the Division in Washington, subject to the approval of the Chief of the Bureau. The members of the Board shall be selected by the Chairman, subject to the approval of the Chief of the Bureau, from the professional staff of the Division in Washington and from the professional staff of the Division in charge of Field offices of the division; provided, that when preparing the monthly reports for corn, wheat, or oats, two or more members shall be selected from the professional staff in charge of Field offices; and provided further, that when preparing the monthly reports for cotton, not less than three members shall be selected from the professional staff in charge of Field offices, as provided in the Act of May 3, 1924 (43 Stat. L. 115).

Sec. 4. The Chairman shall before the first of December each year, prepare a schedule of crop reports, which shall include the monthly crop reports, for the following year showing the character of the reports and the dates and hours of publication. This schedule of reports shall be effective when approved by the Secretary of Agriculture, and may be amended by him at any time.

Sec. 5. The contents, and every part of the contents of each and every report provided for in the previous section, and the information and every part of the information utilized in the preparation of each and every such report,

[illegible] STATE DEPARTMENT OF AGRICULTURE
BUREAU OF THE SECRETARY
[illegible]

[illegible] - 1929

REGULATION NO. 888

PROMULGATION OF THE MONTHLY CROP REPORTS OF
THE DEPARTMENT OF AGRICULTURE.

Sec. 1. All previous orders and regulations governing the preparation and publication of the monthly crop reports of the Department of Agriculture are hereby revoked, and the following regulations shall be effective thereafter, unless to be amended by the Secretary of Agriculture.

Sec. 2. The monthly crop reports of the Department of Agriculture, hereinafter called the Department, shall be prepared by the Crop Reporting Board of the Department, hereinafter called the Board, consisting of the Chairman and five or more additional members, who shall be officially appointed by the Secretary (or acting Secretary) of Agriculture before being issued or published.

Sec. 3. The administrative officer in charge (or acting in charge) of the division of crop and livestock estimates, (hereinafter called the division) of the Bureau of Agricultural Economics, (hereinafter called the Bureau), shall be the Chairman (or acting Chairman) of the Board. (hereinafter called the Chairman), unless some other officer of the Department shall be so designated by the chief of the Bureau and approved by the Secretary of Agriculture. The Secretary of the Board shall be designated by the Chairman from the professional staff of the division in Washington, subject to the approval of the Chief of the Bureau. The members of the Board shall be selected by the Chairman, subject to the approval of the Chief of the Bureau, from the professional staff of the division in Washington and from the professional staff of the division in charge of field offices of the division; provided that when preparing the monthly reports for cotton, wheat, or corn, two or more members shall be selected from the professional staff in charge of field offices; and provided further, that when preparing the monthly reports for cotton, not less than three members shall be selected from the professional staff in charge of field offices, as provided in the act of July 2, 1926 (44 Stat. L. 1181).

Sec. 4. The Chairman shall before the first of December each year, prepare a schedule of crop reports, which shall include the monthly crop reports, for the following year showing the character of the reports and the dates and hours of publication. This schedule of reports shall be effective when approved by the Secretary of Agriculture, and may be amended by him at any time.

Sec. 5. The schedule, and every part of the schedule of each and every report provided for in the previous section, and the information and every part of the information utilized in the preparation of each and every such report,

shall be withheld from publication until the time provided for the publication of the report by the above section or such amendments thereto as may be made from time to time; Provided, That when officially requested by a State agency cooperating under agreement with the Bureau in gathering crop and livestock statistics, the details of the monthly crop reports for individual States may be withheld for these States from publication on the dates specified for the publication of the monthly crop reports and may be published at such time as may be agreed upon in advance, but in no event later than the 10th of the month; and Provided further, that the Board may notify officers in charge of Field Offices of the division after the publication of the reports for the United States, of the details of the reports for individual States.

Sec. 6 No person or persons other than members of the Board and other employees actually engaged in the preparation of the reports provided for in Sec. 4 shall have access to any report, or to the data used in the preparation of any report, in advance of its publication, unless such other person or persons are actually in the Board rooms on the day of the publication of such reports after the doors are locked as provided in Sec. 14 herein. No member of the Board or other employees engaged in the preparation of reports shall, before the publication of any report provided for herein, wilfully impart any information contained therein or any part thereof, directly or indirectly, to any person not entitled under the law and rules of the Department to receive the same, (Act March 4, 1909. 35 Stat. 1111). The Board may under this regulation notify officers in charge of Field offices of the division, in advance of publication, of changes made by it from recommendations submitted by such officers for non-speculative items as defined in Sec. 7 herein.

Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to enable any member, members or assistants of the Board to approximately anticipate the Board's forthcoming report on the condition, yield, probably production, or stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Kentucky, Wisconsin, Texas, Tennessee, Michigan, and Oklahoma.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Pennsylvania, Washington, Texas, Michigan, Oregon, Colorado, California, Iowa, and Idaho.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Pennsylvania,

shall be withheld from publication until its time provided for the publication of the report by the above section or such commission thereon as may be made from time to time; that when officially requested by a State agency cooperating under agreement with the Bureau in gathering crop and livestock statistics, the Chief of the Bureau may furnish crop reports for individual farms; and be authorized for farm crops from publication on the date specified for the publication of the monthly crop reports and may be published at such time as may be agreed upon in advance, but in no event later than the 10th of the month and preceding Sunday; that the Bureau may notify officers in charge of field divisions of the discussions after the publication of the reports for the Saint Louis, Chicago, or the reports for individual farms.

Sec. 6. No person or persons other than members of the Board and other employees actually engaged in the preparation of the reports provided for in Sec. 4 shall have access to any report, or to the data used in the preparation of any report, in advance of its publication, nor shall any person or persons are actually in the usual course of the day of the publication of such reports after the hours are limited or printing in Sec. 4, nor shall any member of the Board or other employee engaged in the preparation of reports wilfully before the publication of any report provided for herein, wilfully impart any information contained therein or any part thereof, directly or indirectly, to any person not entitled under the law and rules of the Department to receive the same, (Act June 4, 1920, 41 Stat. 1111). The Board may under this regulation permit officers in charge of field offices of the division, in actuary or publication, of changes made by it from recommendations submitted by such officers for non-speculative items as defined in Sec. 7 herein.

Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the marketing and collating of which would make it possible to obtain any member, members or affiliates of the Board to approximately anticipate the Board's forthcoming report on the condition, yield, probably production, or stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Kentucky, Michigan, Texas, Tennessee, Nebraska, and Oklahoma.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Pennsylvania, Washington, Texas, Michigan, Oregon, Minnesota, California, Iowa, and Idaho.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Pennsylvania,

Kansas, New York, and Oklahoma.

(5) Cotton in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(6) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the Field offices of the division.

Sec. 8. Speculative data collected by the Washington office of the division shall be tabulated in the Tabulating and Computing Section of that division as follows:

(a) The individual reports shall be assembled and listed by crop reporting districts.

(b) A summary shall be made of the district data specified in Sec. 8-a above for approximately one-half of the districts, for each State and each such summary forwarded at once by the officer in charge, or acting in charge, of the Tabulating and Computing Section to the Secretary of Agriculture in a sealed envelope marked "Special A". A separate summary of the data for the remaining districts shall be handled in the same manner.

(c) No other summary of the above data shall be made prior to the time that the Board meets behind locked doors to prepare the report.

Sec. 9. Speculative data collected by the Field offices of the Division shall be summarized in the Field offices, which summary, together with recommendations of the officer in charge of each such office shall be transmitted by mail or telegraph to the Secretary of Agriculture. When transmitted by mail, the summary and recommendations shall be forwarded in a sealed envelope marked "Special A". When transmitted by telegraph, the summary and recommendations shall be forwarded in a secret code provided by the Secretary of the Board.

Sec. 10. The officer in charge, or acting in charge, of the Department telegraph office shall place each telegram received by him containing speculative crop report data in a sealed envelope marked "Special A" and deliver such envelope to the office of the Secretary of Agriculture.

Sec. 11. All "Special A" envelopes containing speculative crop report data received in the office of the Secretary of Agriculture shall, immediately upon receipt and without breaking the seals thereof, be placed in the locked box in the office of the Secretary of Agriculture provided for that purpose.

Sec. 12. Immediately preceding the convening of the Board on the day a report

Texas, New York, and Oklahoma.

(b) Cotton in Iowa, Wisconsin, Illinois, Ohio, Kansas, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(d) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be of all those Commodity directly to the Board by the officers in charge of the field offices of the division.

Sec. 8. Speculative data collected by the Washington office of the division shall be tabulated in the Tabulating and Computing Section in that division as follows:

(a) The individual reports shall be summarized and listed by crop reporting districts.

(b) A summary shall be made of the district data specified in Sec. 8-a above for approximately one-half of the districts, for each State and such summary forwarded at once by the officer in charge, or acting in charge, of the Tabulating and Computing Section to the Secretary of Agriculture in a sealed envelope marked "Special A". A separate summary of the data for the remaining districts shall be handled in the same manner.

(c) In other respects of the above data shall be made prior to the time that the Board meets tabulated lists to prepare the report.

Sec. 9. Speculative data collected by the field offices of the division shall be summarized in the field offices, with summary, together with recommendations of the officer in charge of such office shall be transmitted by mail or telegraph to the Secretary of Agriculture. Upon transmitting by mail, the summary and recommendations shall be forwarded in a sealed envelope marked "Special A". When transmitted by telegraph, the summary and recommendations shall be forwarded in a sealed code provided by the Secretary of the Board.

Sec. 10. The officer in charge, or acting in charge, of the Department telegraph office shall place each telegram received by him containing speculative crop report data in a sealed envelope marked "Special A" and deliver such envelope to the office of the Secretary of Agriculture.

Sec. 11. All "Special A" envelopes containing speculative crop report data received in the office of the Secretary of Agriculture shall, immediately upon receipt and without breaking the seals thereof, be placed in the locked box in the office of the Secretary of Agriculture provided for such purpose.

Sec. 12. Immediately preceding the convening of the Board on the day a report

is to be published, the locked box in the office of the Secretary of Agriculture containing the "Special A" envelopes shall be opened and the "Special A" envelopes removed in the presence of the administrative assistant to the Secretary of Agriculture, the Chairman, one other member of the Board, and a special guard provided by the Office of the Secretary of Agriculture. The Chairman and other member of the Board, accompanied by the guard, shall then proceed directly to the Board rooms.

Sec. 13. The Board rooms shall consist of the board room proper and all adjacent rooms occupied during the session of the Board by clerks, stenographers, and others engaged in assisting the Board in the preparation of the report.

Sec. 14. Previous to the arrival of the Chairman, other member of the Board, and guard, with the sealed "Special A" envelopes, the Secretary, or acting secretary, of the Board, shall have caused all windows in the Board rooms to be sealed in such manner as to prevent communication between persons within the Board rooms and persons outside, and the officer in charge of the Department's branch telephone exchange shall have caused to be disconnected all telephones, buzzers, and similar means of communication from the Board rooms. Immediately after the entrance of the Chairman and other member of the Board into the Board rooms, with the sealed "Special A" envelopes, the guard shall lock all doors leading from the Board rooms, and remain on watch until the report is released. While on watch the guard shall not permit any oral communication between persons within the Board rooms and persons outside, and shall unlock the door only to permit:

(a) The entrance of:

(1) The Secretary, or Acting Secretary of Agriculture.

(2) The Chief or Assistant Chief of the Bureau.

(3) Other officers or employees of the Department having written permission from the Chairman.

(4) All employees of the Division, whose presence is required in the preparation of the report.

(5) All other persons having written authority from the Secretary or Acting Secretary of Agriculture or from the Chief or Acting Chief of the Bureau.

(b) The delivery of mail, telegrams, written communications or supplies for the use of the Board.

(c) The departure of:

(1) The Secretary or Acting Secretary of Agriculture, the Chairman and such other persons as may be designated at the time by the Chairman

is to be printed, the issues to be the office of the Secretary of Agriculture concerning the "Special 1" envelope shall be opened in the "Special 1" envelope found in the presence of the Administrator assisted by the Secretary of Agriculture, the Chairman, and other members of the Board, and a special Board provided by the Office of the Secretary of Agriculture. The Chairman and other members of the Board, accompanied by the guard, shall then proceed directly to the Board room.

Sec. 12. The Board room shall consist of the Board room proper and all adjacent rooms occupied during the session of the Board in Washington, including, the Board's employees in assisting the Board in the preparation of the report.

Sec. 13. Previous to the arrival of the chairman, other members of the Board, and guard, with the sealed "Special 1" envelope, the Secretary, or the Secretary, shall have secured all windows in the Board room to be sealed in such manner as to prevent communication between persons in the Board room and persons outside, and the officer in charge of the Department's guard (shall) also assure by an electronic (all) telephones, however, not limited means of communication from the Board room. Immediately after the adjournment of the Chairman and other members of the Board from the Board room, with the sealed "Special 1" envelope, the guard shall lock all doors leading from the Board room, and remain on watch until the report is released. This is to read, the guard shall not permit any unauthorized persons persons within the Board room and persons outside, and shall guard the door only to permit:

(A) The Secretary of;

(B) The Secretary, or Acting Secretary of Agriculture.

(C) The Chief or Assistant Chief of the Bureau.

(D) Other officers or employees of the Department having written permission from the Chairman.

(E) All employees of the Division, where presence is required in the preparation of the report.

(F) All other persons having written authority from the Secretary or Acting Secretary of Agriculture or from the Chief or Acting Chief of the Bureau.

(G) The delivery of mail, telephone, written communications or supplies for the use of the Board.

(H) The departure (F)

(I) The Secretary or Acting Secretary of Agriculture, the Chairman and such other persons as may be designated at the time by the Chairman

for the purpose of proceeding, under guard, to the room provided for the publication of the report.

(2) Any person in the case of extreme emergency, in which event a member of the guard shall accompany and remain with such person until the publication of the report.

(3) All persons in case of fire.

Sec. 15. No one actively engaged in the work of making private crop forecasts or estimates or who is acting as a crop observer for either himself or for any other individual, firm, corporation, or association, shall be admitted to the Board rooms, while the Board is in session.

Sec. 16. Upon the completion of any report provided for in Section 4 of these regulations, a copy of it must be signed by the Chairman and each member of the Board, and approved in writing by the Secretary or Acting Secretary of the Department of Agriculture before it is published. The Secretary of the Board shall maintain a file of the signed copies of the reports. The Chairman of the Board shall provide copies of the approved report, and accompanied by not less than two other persons, shall take these copies from the Board rooms to the publication room before the time specified for the publication of the report.

Sec. 17. The officer in charge, or acting in charge, of the Department's telegraph office, shall act as release officer and shall provide in the publication room suitable telegraph and telephone facilities for all persons desiring such facilities for the transmission of the report upon its publication.

Sec. 18. Upon the arrival in the publication room of the Chairman and persons accompanying him, the release officer shall cause all persons other than the Chairman and persons accompanying him to remain within a prescribed area until the publication of the report, the limits of which area shall be not less than six feet from the telephones, telegraph instruments, and tables or shelves provided for distribution of copies of the report. The Chairman shall then place one copy of the report, face down, beside each telephone and telegraph instrument, and additional copies, face down, upon the tables or shelves provided for that purpose. At the exact time provided for the publication of each report, the release officer shall inform those present that the report is published and permit access to the copies of the report. The release officer shall then notify the guard at the door of the Board rooms that the report has been published, and the guard thereupon shall unlock the doors.

Sec. 19. In the event that the report should not be completed and approved for publication at the designated time, the Chairman shall, within ten minutes of the time designated for the publication of the report, notify the guard of the time when the report will be ready for publication. The guard will immediately notify the release officer, who, in turn, will notify all

for the purpose of prosecution, and/or court, if the case provides for the publication of the report.

(2) Any person in the case of extreme emergency, in order that a member of the force shall accompany his/her client who is going with the publication of the report.

(3) All persons in need of flu.

Sec. 16. To the authority mentioned in the case of minor or minor offenses or violations or not in acting as a corp. member for either himself or for any other individual, firm, corporation, or association, shall be entitled to the total room, while the force is in session.

Sec. 17. Upon the completion of any report involving the violation of some regulations, a copy of it must be signed by the Chairman and each member of the force, and lodged in writing by the Secretary to the Secretary of the Chairman of disciplinary action, if is practicable. The Secretary of the Board shall maintain a file of the original copies of the reports. The Chairman of the Board shall provide notice of the approved report, and accompanied by the final than the other persons, shall keep those copies from the Board room to the publication from before the case shortness for the publication of the report.

Sec. 18. The officer in charge, or acting in charge, of the department taking action, shall not be release action and shall provide to the publication even available taking the taking facilities for all persons desiring such facilities for the transmission of the report upon its publication.

Sec. 19. Upon the arrival in the publication room of the Chairman and persons accompanying him, the release officer shall cause all persons other than the Chairman and persons accompanying him to remain within a prescribed area until the publication of the report, the limits of which area shall be not less than six feet from the entrance, including instruments, but before or another provided for distribution of copies of the report. The Chairman shall then place one copy of the report, take them, beside each telephone and telegraph instrument, and additional copies, then then, with the copies or phones provided for that purpose. At the exact time provided for the publication of each report, the release officer shall inform those present that the report is published and permit access to the copies of the report. The release officer shall then notify the press of the time of the report, and the report has been published, and the press shall notify the press.

Sec. 19. In the event that the report should not be completed and approved for publication at the designated time, the Chairman shall, within the minutes of the time designated for the publication of the report, notify the press of the time when the report will be ready for publication. The press will immediately notify the release officer, who, in turn, will notify all

persons present in the publication room for the purpose of receiving the report.

Sec. 20. The Chief of the Bureau shall deliver a copy of these regulations, a copy of the schedule of reports provided for in Sec. 4 of these regulations, copies of such amendments thereto as may be made from time to time, and copies of Sections 123 and 124 of the Act of March 4, 1909 (35 Stat. 1110), to each officer and employee of the division, to each person authorized in Sections 5 and 6 of these regulations to receive crop report data in advance of publication, and to each other person admitted to the Board rooms during the preparation of any report provided for in Sec. 4 of these regulations, and take his receipt for each such copy.

Sec. 21. These regulations may be amended at any time by the Secretary or Acting Secretary of Agriculture.

(S) W. M. Jardine

Secretary

persons present in the penitentiary room for the purpose of receiving the report.

Sec. 20. The Chief of the Bureau shall deliver a copy of these regulations, a copy of the schedule of reports provided for in Sec. 4 of these regulations, copies of such memorandum thereto as may be deemed fit to be filed by him, and copies of Sections 123 and 124 of the Act of Congress approved July 1, 1902 (32 Stat. 691) to each officer and employee of the division, to each person employed in such office and employee of the division, to each person employed in Sections 3 and 4 of these regulations to receive any report data in relation to of publication, and to each other person assisted in the same duties the preparation of any report provided for in Sec. 4 of these regulations, and have its receipt for each such copy.

Sec. 21. These regulations may be amended at any time by the Secretary of Labor upon recommendation of Superintendent.

(1) R. C. Leffler

Secretary

COPY

May 3, 1928

MEMORANDUM FOR THE SECRETARY

Dear Mr. Secretary:

I am forwarding herewith a draft of proposed regulations covering the preparation and issuance of the montaly crop reports of the Department.

These regulations are designed to replace all existing regulations and are so drawn as to include all of the salient points in previous regulations and amendments, systematize the entire procedure of the preparation and issuance of crop reports, reduce to a minimum the number of amendments needed to keep the regulations up-to-date, and make it unnecessary to reprint the regulations annually. It will be necessary to print after the approval of these regulations, first, the list of crop reporting dates, and second, amendments to the regulations themselves. At present the procedure of preparing and issuing crop reports is governed by the annual printed regulations supplemented by various and sundry memoranda from the Secretary's Office and other sources. These memoranda have been issued at various times without revoking previous memoranda so that in some instances they are somewhat in conflict. Furthermore, the existing regulations hamper the work of the Crop Reporting Board to the extent of reducing its efficiency without a compensating increase in safeguarding the integrity of the reports. The new regulations cover the procedure in such a way as to properly safeguard the reports and at the same time makes it possible for the board to handle the work advantageously. An analysis of production in various States shows that in a number of States production is so slight as to have no appreciable effect on the United States totals. Under the new regulations it will be possible for the Statisticians in these States to forward their report direct to the Board so that on crop reporting day itself, the Board may concentrate upon the estimates for the important States.

I respectfully recommend that these regulations be approved.

Very truly yours,

Chief of Bureau.

Enclosure.
WFC/dac

Enclosure.
WRC/dee

No. 580

BUREAU OF AGRICULTURAL ECONOMICS

MAR 31 1930

Due to changes in the importance of certain grain crops in the various states, Section 7 of Memorandum No. 580, "Preparation of the Monthly Crop Report of the Department of Agriculture", of May 8, 1928, is amended to read as follows:

"Sec. 7. Data used by the Board in the preparation of the monthly crop reports shall be considered as of two classes:

(a) Speculative data, which are defined to be data relating to corn, wheat, oats, or cotton, the assembling and collating of which would make it possible to enable any member, members or assistants of the Board to approximately anticipate the Board's forthcoming report on the condition, yield, probable production, or farm stocks, of corn, wheat, oats, or cotton, for the United States. For the purpose of this regulation speculative data shall be restricted to the above data for:

(1) Corn in Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Minnesota, Kansas, South Dakota, Wisconsin, Texas, Michigan, and Oklahoma.

(2) Winter wheat in Kansas, Oklahoma, Illinois, Nebraska, Ohio, Indiana, Missouri, Washington, Texas, Michigan, Oregon, Colorado, Iowa, Idaho, and Montana.

(3) Spring wheat in North Dakota, Montana, South Dakota, Minnesota, Washington, Idaho, and Oregon.

(4) Oats in Iowa, Minnesota, Illinois, Wisconsin, South Dakota, Nebraska, Ohio, North Dakota, Indiana, Michigan, Texas, Missouri, Kansas, and Oklahoma.

(5) Cotton in Texas, Mississippi, Oklahoma, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Louisiana, and Tennessee.

(a) Any other data, than specified above, which the Chairman shall define as speculative.

(b) Non-speculative data, which are defined to be data other than speculative data mentioned above, and which may be at all times forwarded directly to the Board by the officers in charge of the field offices of the division."

These regulations as hereby amended shall be effective at once and may be further amended at any time by the Secretary of Agriculture.

File Room:
(Signed)
Arthur M. Hyde
Secretary.

DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

JUN 14 1928

MEMORANDUM NO. 581

Amendment of the Administrative Regulations.

Par. 688 of the administrative regulations of the Department is amended to read as follows:

688. APPEARANCE, FEES AND EXPENSES OF DEPARTMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS. - The cases involving appearance will be treated in the following groups:

(a) Employees testifying in cases arising within the department or growing out of the violation of laws of a State or subdivision thereof in the enforcement of which employees of the department have been authorized to assist, including laws with respect to migratory birds, stock, the protection of fish and game, and the prevention and extinguishment of forest fires.

(b) Employees testifying for the United States in cases not arising within the department.

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee's testimony has no official character, or cases in which a State is a party not covered by (a) above.

Initialed by Secretary JPW

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. In case (c), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties ligitant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deemsthe production of record or the employee's proposed testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be compelled to appear and testify. The term "chief of bureau" throughout this regulation will be construed to include District Foresters.

Witness Fees and Expenses of Travel and Subsistence.

The terms "fees" and "expenses" are distinct. The first means the amount allowed as pay for attendance; the second, the amount allowed to cover travel and subsistence. This latter allowance is usually in the form of mileage.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travelunless a different arrangement has been made between the cooperating States and the Department.

In case (b) no fees are allowable. The expense account should be presented to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the court or arranged for with the summoning party; but a memorandum of expenses incurred and of the amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave without pay must be taken, unless the memorandum of subsistence and travel expenses incurred as witness shows an amount greater than the total received as fee and expense money. If not authorized to accept fee, the employee is not required to take leave, with or without pay.

In case (d), leave with pay, or if such leave has been exhausted, leave without pay, must be taken. (Law 1009.)

Apart from rearrangement of the material, the changes are, first, removal of the provision in subparagraph (b) of the former regulation which prohibited employees appearing in a strictly unofficial capacity in private cases from accepting fees unless they took leave without pay, and second, the grant of discretion to chiefs of bureaus to authorize acceptance of fees without restriction of amount where employee presents in court information officially acquired, in lieu of the former limitation of fees to the amount of salary lost through leave without pay.

R. N. Dunlap
Acting Secretary.

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. In case (c), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be compelled to appear or testify. The term "chief of bureau," ~~for the purposes of this paragraph~~, will comprehend district foresters.

Witness Fees and Expenses of Travel and Subsistence.

The terms "fees" and "expenses" are distinct. The first means the amount allowed as pay for attendance; the second, the amount allowed to cover travel and subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.

In case (b) no fees are allowable. The expense account should be presented to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the court or arranged for with the summoning party; but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

~~In case (c), if employee is authorized to accept fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.~~

In case (d), leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

DIRECTOR OF
PERSONNEL AND BUSINESS ADMINISTRATION

March 7, 1928

Mr. Loving;

The change which I told you I had in mind is in the second sheet under "Leave." By comparing the canceled language on the old sheet herewith with the new copy, you will see in just what the change consists.

Another red line cancellation on the old sheet 2 will guide you to a second minor alteration in the language with respect to district foresters.

Robbins

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ADDRESS REPLY TO
CHIEF, FINANCE AND ACCOUNTS
AND REFER TO

WASHINGTON, D. C.

FA
Supervision

March 10, 1928.

Memorandum for Mr. Robbins.

Dear Mr. Robbins:

Reference is made to your informal memorandum of March 7.

The draft of administrative regulation number 688 as revised is entirely acceptable to the Forest Service. Our previous objection which bore relation specifically to class (C) cases was predicated on the fact that quite frequently forest officers would suffer financially if the taking of leave without pay was made mandatory upon the acceptance of witness fee. The revised draft omits the leave without pay requirement and authorizes acceptance of the fee in cases where expenses actually incurred exceed the fee plus expense allowances.

I am returning the revised draft as requested and appreciate the careful consideration given our proposal of December 12.

Very truly yours,

Chief, Finance and Accounts.

Enclosure.

688. APPEARANCE, FEES AND EXPENSES OF DEPARTMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

(a) Employees testifying for the United States or for a cooperating State or subdivision thereof in cases arising within this department or within the scope of its cooperative work.

Employees engaged in the enforcement of the migratory bird treaty act, officials of the Forest Service designated by the Secretary to aid in enforcing laws of the State with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local officials.

(b) Employees testifying for the United States in cases not srising in this department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee's testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. But in both (c) and (d) the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be compelled to appear or testify.

Witness Fees and Expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.

In case (b) no fees are allowable. The expense account should be submitted to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by court or arranged for with the summoning party; but a memorandum of expenses incurred and amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

888. [illegible], FEES AND EXPENSES OF [illegible] EMPLOYEES [illegible]
[illegible] IN JUSTICE [illegible] PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

(a) Employees testifying for the United States or for a cooperating State or subdivision thereof in cases arising within this department or within the scope of its cooperative work.

Employees assigned in the enforcement of the migratory bird treaty act, officials of the Forest Service designated by the Secretary to aid in enforcing laws of the States with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local officials.

(b) Employees testifying for the United States in cases not arising in this department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employees testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.
In case (c) there must be no appearance without subpoena.
In case (d) the department is not interested in the manner of appearance. But in both (c) and (d) the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the Department, who will promptly advise whether the employee may be compelled to appear or testify.

Witness fees and expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.
In case (b) no fees are allowable. The expense account should be submitted to the United States marshal for payment.
In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by court or arranged for with the summoning party; but a memorandum of expenses incurred and amount received must be submitted to the chief of bureau.
In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d) leave without pay, or if such leave has been exhausted, leave without pay, must be taken.

leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave with or pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d) leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

688. APPEARANCE, FEES AND EXPENSES OF DEPARTMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

(a) Employee testifying for the United States or for a cooperating State or subdivision thereof in cases arising within this department or within the scope of its cooperative work.

Employee engaged in the enforcement of the migratory bird treaty act, officials of the Forest Service designated by the Secretary to aid in enforcing laws of the State with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local officials.

(b) Employee testifying for the United States in cases not srising in this department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employees testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. But in both (c) and (d) the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the epartment, who will promptly advise whether the employee may be compelled to appear or testify.

Witness Fees and Expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.

In case (b) no fees are allowable. The expense account should be submitted to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by court or arranged for with the summoning party; but a memorandum of expenses incurred and amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

482. ADMINISTRATION, FEES AND EXPENSES OF DEPARTMENT WITNESSES IN [illegible] OF [illegible].

The cases involving appearance will be treated in the following order:

(a) Employee testifying for the United States or for a cooperating State or subdivision thereof in cases arising within this department or within the scope of its cooperative work.

Employee engaged in the performance of the ordinary duty of such, officials of this Forest Service designated by the Secretary to aid in enforcing laws of the State with regard to crime, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local officials.

(b) Employee testifying for the United States in cases not arising in this department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.
In case (c) there must be a subpoena duces tecum.
In case (d) the department is not interested in the matter of appearance. But in both (c) and (d) the employee summoned or giving appearance should notify the chief of bureau by letter or telegram, stating the names of the parties involved, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of records or the employee's testimony beneficial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee is may be compelled to appear or testify.

Witness fees and Expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of original travel.

In case (b) no fees are allowable. The expense account should be submitted to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as claimed by court or arranged for with the summoning party; but a memorandum of expenses incurred and amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d) leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave will not be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d) leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WASHINGTON

ADDRESS REPLY TO
THE FORESTER
AND REFER TO:

FA
Appointment
Leave

December 5, 1924.

Adv Com
For consideration

Memorandum for Mr. Jump

Dear Mr. Jump:

The District Forester at Albuquerque has invited my attention to the fact that paragraph 689 of the Departmental Administrative Regulations apparently authorizes field employees of the Department while serving on State or Municipal juries during periods of annual leave to accept jury fees, whereas paragraph 489 688 of the same regulations prohibits employees serving as witnesses in State or County courts, on a case in which the Federal Government is not interested, from accepting witness fees unless they apply for leave without pay.

There is no doubt some good reason for this seeming inequity not apparent to this office. However, from the standpoint of the average field employee there is more occasion for the allowance of witness fees than for jury fees. Jury service may be avoided under certain conditions but an employee subpoenaed as a witness must respond. There are numerous others qualified to substitute for jury service but oftentimes none so qualified with respect to witness duties.

It appears from the Comptroller General's decision of May 19, 1924 (3 CG-870) that regulation 489 could legally be put on the same basis as regulation 689, and I recommend that such action be taken unless in your opinion there is sufficient administrative reason to the contrary.

Very truly yours,

E. E. Carter
Acting Forester.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ADDRESS REPLY TO
THE FORESTER
AND REFER TO
FA
Supervision

WASHINGTON
July 11, 1925.

Mr Robbins
Facilitation

Director,
Personnel and Business Adm.,
Department of Agriculture.

Dear Sir:

In connection with the proposed revision of paragraph 688 of the Administrative Regulations, which it is understood is now under consideration, I am enclosing copy of a letter dated June 26 from the District Forester at Albuquerque, N. Mex., suggesting certain changes. Paragraph numbered 3 of the letter refers to the last paragraph under 688c as being a possible source of embarrassment to the employees. It is suggested that this paragraph be omitted or amended to show that when appearing on behalf of any party other than the United States the employee is in the same position as a non-employee. It is not understood that this paragraph is intended to be a requirement imposed upon the employee in such cases, but rather a suggestion that when so appearing his expenses can not be paid by the United States as in the two preceding paragraphs of 688c.

Concerning paragraph numbered 4 the District Forester is being advised that the employee need not be required to take leave without pay, but in lieu thereof may refuse the fee and accept his regular salary subject of course to annual leave limitations.

Respecting paragraph numbered 5 in the letter it is understood that the provision for collecting subsistence expenses from the party in whose interest the employee appears, has no relation whatever to any acceptance of witness fees. However, when the circumstances are as stated in paragraph 3 (that is, when the employee appears in a case where the law makes no provision for payment of his subsistence), it seems that he should be permitted to accept witness fees without losing his salary, provided of course he has available annual leave to cover. This would in part at least compensate him for his subsistence expenses while appearing as witness.

Very truly yours,

Acting Forester.

Enclosure.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SOUTHWESTERN DISTRICT

ADDRESS REPLY TO
DISTRICT FORESTER
AND REFER TO

GAS AND ELECTRIC BUILDING
ALBUQUERQUE, NEW MEXICO

FA
Appointment
Leave

June 26, 1925

The Forester,

Washington, D. C.

Dear Sir:

In response to our letter of November 24, 1924, your office forwarded a memorandum dated December 5, 1924 under FA, Appointment Leave, to Mr. Jump in connection with Paragraphs 688 and 689 of the Departmental Regulations relating to witness and jury fees. No further word has been received in connection with this matter and we would appreciate learning what disposition was made of the matter by the Secretary's Office. In this connection it is noted that in your memorandum of December 5 above referred to, reference is made to Paragraph 489 of the Fiscal Regulations. Apparently 688 is intended, which is the companion regulation of 689, the one referring to witness fees and the other to jury service. (1)

A case has only recently come up where a Forest Officer has been summoned to Albuquerque as a witness in a U. S. Court Case wherein his fees as such are $3.00 a day while his salary is twice this amount. (2)

Two other points occur to us at this time which we believe merit consideration. The concluding sentence of paragraph 688 states: "When an employee appears in any judicial proceeding on behalf of any party other than the United States, he should arrange in advance with the party in whose interest he appears for his travel and subsistence expenses." It is suggested that this sentence is likely to mislead employees and may possibly place them in a very embarassing position if they fully comply with it. In the United States Court in this District a witness is entitled to a fee of $3.00 and to mileage going to and returning from court of 5¢ where the travel may be made by railroad and 15¢ where a stage or special conveyance must be employed. In this State the witness fee provided by law is only 50¢ in the Justice Courts and $1.00 in the District Courts for service within the County, and an allowance for travel, with no provision made for subsistence. No authority or law is known whereby a witness may demand an additional compensation to cover his subsistence and hotel bills. Therefore, if an employee of the Forest Service called (3)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

SOUTHWESTERN DISTRICT

ADDRESS REPLY TO
DISTRICT FORESTER
REFER TO

GAS AND ELECTRIC BUILDING
ALBUQUERQUE, NEW MEXICO

T. F.

as a witness in private litigation should literally follow this concluding sentence of Paragraph 688 and demand of the party calling him, reimbursement for his subsistence, i.e., meals and lodging, he would be apt to find himself in contempt of Court.

Subdivision B of Paragraph 688 provides that an employee shall receive or be authorized to accept witness fees in no case unless he is required to take leave without pay for the time consumed and then only in an amount not exceeding the amount deducted from his salary. Does this mean that an employee who appeared in the State Court and received a fee of 50¢ must lose for each day such a fee is received, his daily salary of, say, $7.00; or does the regulation mean that he would receive his daily salary less the amount of the witness fee received? (4)

Another question arises. As stated in Regulation 688, an employee can collect his subsistence expenses from the private party in whose interest he appears. Does this mean that in private litigation in the Federal or other Courts that an employee who is tendered a $3.00 a day witness fee may accept same as in compensation for his subsistence expenses, i.e., meals and lodging, provided that such expenses equal or exceed $3.00 a day. Or, the $3.00 being tendered as a witness fee, must the employee either waive the same or, accepting it, must he take a day's leave without pay? (5)

Your memorandum of December 5, in the first paragraph thereof, refers to juries in State or Municipal Courts and witnesses in State or County Courts. In any amendment to the Regulation which is made it is suggested that service in Federal as well as State Courts be covered because there is no distinction so far as the employee is concerned between service in a Federal Court and that in a State Court in cases in which the United States is not a party or interested. In either case the employee is subject, apparently, to the same rule. (6)

The main question, of course, is that suggested in our letter of November 24, 1924, namely, to place employees called as witness on a parity with those called as jurors and remove the now seeming inequity, which, as appears from the Comptroller General's opinion (3 CG-870) is not required by any fiscal rule or procedure of the General Accounting Office. (7)

Very truly yours,
FRANK C. W. POOLER, District Forester,

By , Acting.

October 6 - 1925

The Chief of the Weather Bureau,
Department of Agriculture.

Dear Professor Marvin;

You have doubtless freshly in mind the matter of the attendance of Weather Bureau employees as witnesses in suits between private parties, in regard to which Dr. Clark has recently conferred with this office. The phases of the subject in which your bureau is particularly interested were, I believe, first presented in your memorandum to the Secretary of November 7, 1924, and have in the meantime been brought up on one or two occasions. The recent discussions have however been particularly helpful in developing the matter for consideration.

The situation as I understand it is, briefly, as follows:

In a few of the larger cities, notably New York, Chicago, Boston and Philadelphia, the officers in charge, through attendance in private cases either as witness to the fact with production of official papers or as experts, have received annually fees approximating $1,800 in New York and from $200 to $300 in the other cities named. Prior to the classification act of 1923 the salary of the officer in charge at New York was fixed at a figure representing the Federal compensation normally corresponding to the position less the earnings in the private suits. Not only however was this system unsatisfactory in itself as a source of possible comment and criticism, but its continuation was inconsistent with the required application to the field of the Washington salary schedules; and as a consequence, when the Weather Bureau field adjustments were made the salary of the officer in charge at New York was fixed as contemplated by the classification act while the officer was directed to discontinue collection of the witness fees, but with permission to accept reimbursement of his costs of travel. There was, however, reason to fear that the relief of litigants from the payment of witness fees might encourage increased demand on the Weather Bureau personnel; and chiefly with this thought in mind, as I understand it, you advanced in the memorandum of November 7 the suggestion that the fees be collected as heretofore, but covered into the general fund of the Treasury, less the travel expenses. I gather however that you did not wish this rule to be inflexible. There are cases in which you think it equitable that the officer should retain the fee -- cases where a considerable expenditure of time and research outside of the official duties is demanded in preparation for appearance as an expert.

It appears that the expectation of larger demand through non-collection of fees has not been realized by the year's experience in New York, where the cases not only have shown no increase, but have actually fallen off. This you attribute to educational work on the part

October 8 - 1925

of the officer in charge. It has been his practice to point out the possibility of using transcripts of record instead of oral testimony, and by other means to discourage subpena. You think it probable that similar effort would produce like results in Chicago, Boston and Philadelphia. So that in the light of the New York experience, the collection of fees for Treasury deposit cannot for the present at least be deemed a necessary feature of the procedure.

I may say that your direction to the officer in charge at New York no longer to take fees seems to have been fully authorized by paragraph 688(b) of the administrative regulations. The subparagraph, dealing specifically with the class of fees in question, forbids their acceptance "unless authorized to do so in advance by his chief." Equally within the regulation would be the issuance of instructions to the same effect to the officers in charge at Chicago, Philadelphia and Boston, which I understand you have in contemplation. The subparagraph also places within your discretion the determination that the fee may be collected and retained in the cases where you deem this course proper and equitable.

It appears therefore that the existing regulation gives scope for what bids fair to be a satisfactory adjustment of the bureau's special problem. The situation will of course be watched, and if future difficulties arise it will always be possible to reopen the question and seek new solutions.

By direction of the Secretary.

Very sincerely yours,

W. W. Stockberger.
Director.

DIRECTOR OF
PERSONNEL AND BUSINESS ADMINISTRATION

9/24/1925.

Dear Dr. Clark;

Herewith draft of a letter in the witness fee matter, which I shall be glad to have you look over and take up if you see fit with Professor Marvin. The utmost freedom of criticism and suggestion will be appreciated.

I take occasion to return the copy of the Caffey opinion which you were kind enough to lend me. Many thanks.

Very truly yours,

L. C. Robbins

UNITED STATES DEPARTMENT OF AGRICULTURE
WEATHER BUREAU
WASHINGTON

Office of Assistant Chief

September 25, 1925.

MEMORANDUM FOR MR. ROBBINS.

Dear Mr. Robbins:

I have carefully read your draft of proposed letter herewith to the Chief of the Weather Bureau, regarding witness fees, etc., and have discussed the matter and the adjustment of it as proposed in your letter with Prof. Marvin.

We believe that the letter as drafted is satisfactory and will give this Bureau instructions on which to go ahead and eliminate and adjust the witness fee cases which are special and peculiar to our service.

If this letter comes to us in the near future it will give us sufficient time before the first of October to instruct our stations by the time the courts take up the fall cases.

Thanking you for your personal interest and help in the matter, I am

Respectfully,

C. C. Clark,
Assistant Chief of Bureau.

(Incls.)

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C.

OFFICE OF INSPECTION
FILE NO.

100 Chi
200 Pl
300 Hilbr Mij.

April 10, 1925.

Memorandum for Mr. Ashley:

Dear Mr. Ashley;

To my mind the new regulation herewith should not be issued without prior submission to the Comptroller General. I am thinking particularly of (II), which seems to me very doubtful. As to (I) my idea is that it would be better, rather than to provide for particular cases, to set up the Comptroller's test, 16 Comp. Dec., 411: "In order * * *to relieve the appropriation 'Fees of witnesses, United States courts,' from being charged with the expenses * * * two things must necessarily concur. First, it must be the official duty of the officer, employee or agent who is called as a witness in a case before a commissioner, before a grand jury, or in court, to investigate and find out the facts upon which the case is predicated, and who appears in his official capacity to give evidence of such facts so acquired; and, second, there must be an appropriation under the control of the *** department applicable to the payment of these expenses."

Very truly yours,

R. W. Robbins

D PARTMENT OF AGRICULTU

OFFICE OF THE DIRECTOR OF REGULATORY WORK

WASHINGTON

April 7, 1925.

MEMORANDUM FOR MR. JUMP.

Mr. Ashby
How about the Cooperative Work?
49

Dear Mr. Jump:

This proposed amendment to the Administrative Regulations looks all right to me. I think it is a much better arrangement than the one existing now which has always left all of the Bureaus in a state of confusion with respect to the nature of the instructions to issue to the field men.

I wonder why the first paragraph makes provision for the appearance of Department employees as witnesses in connection with state actions under certain laws only. As you know, reference is made to the Migratory Bird Law, Forest Service and Fish and Game Laws. I know of one or two instances where Bureaus have taken this identical position in their understanding of cooperative arrangements with state officials under other phases of law enforcement work. Unquestionably the committee had something in mind which was responsible for the limitation incident to these three activities.

Unless there is some objection to the course my only thought with respect to a change would be to make the first paragraph apply in a general way to all service, or at least to all regulatory service, where there was a comparable state activity contemplating the existence of cooperative arrangements.

Very truly yours,

W. M. C.

Director of Regulatory Work.

Enclosures.

April 7, 1938.

Dear Mr. Cooper:

This proposed amendment to the Administrative Procedure Act is all right by me. I think it is a good better drafted, and therefore the oxidation has always left all of the amendments in a state of confusion with respect to the nature of the information to issue to the field.

I wonder why the Grant Government makes provision for the appearance of apparent equities in witnesses in connection with state medicine under certain laws only. As you know, reference is made to the Agricultural Grant law, Forest Service and Tax and Loan laws. I know of one or two instances where lawyers have taken this identical position in their understanding or cooperative arrangements with state officials under other phases of law enforcement work. In connection with the examiner and something in this which are responsible for the Litigation Institute to study.

Unless there is some objection to the course indicated, I think we will request to a change would be to make the Litigation Institute available by in a general way to all agencies, or at least to all regulatory service, where there was a sufficient alone actively contemplating the existence of cooperative arrangements.

Very truly yours,

Director of Jurisdictory Work.

UNITED STATES DEPARTMENT OF AGRICULTURE

DIVISION OF ACCOUNTS AND DISBURSEMENTS

WASHINGTON, D. C.

April 4, 1925.

MEMORANDUM FOR MR. W. A. JUMP.

Dear Mr. Jump:

In accordance with your instructions, the Advisory Committee on Finance and Business Methods has had under consideration the attached memorandum of the Weather Bureau dated November 7, 1924, memorandum from the Forest Service dated December 5, 1924, and the Solicitor's memorandum dated January 12, 1925, all relating to witness fees as covered by section (b) of paragraph 688 of the Administrative Regulations. It has devoted considerable time in an effort to perfect a regulation which would meet the requirements of the Department and, with the advice and aid of the Solicitor's office, has prepared a memorandum intended to amend the section. As explained in the memorandum itself, the section has been rewritten in its entirety in order to clarify its meaning and to set forth precisely the conditions under which an employee may or may not accept witness fees. The memorandum has been passed upon by the Acting Solicitor of the Department and bears his initials.

The Committee therefore recommends that the attached memorandum be approved by the Secretary and promulgated.

Very respectfully,

R Gappone

Chairman, Advisory Committee on Finance and Business Methods.

Enclosure.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

MEMORANDUM No.

Amendment to the Administrative Regulations.

Section (b) of paragraph 688 of the Administrative Regulations is hereby amended to read as follows:

(b) Witness fees. An employee of the department, properly subpoenaed and permitted to testify in accordance with the preceding paragraph, will be governed by the following provisions:

(I) When an employee appears as a witness on behalf of the United States in any case not originating in this department, he shall not accept witness fees but his account for travel and subsistence should be presented to the marshal or other officer of the court authorized to pay the expenses of witnesses. An employee appearing as a witness on behalf of the United States in any case originating in this department, or a field employee engaged in the enforcement of the migratory bird law appearing on behalf of a State in prosecutions under State laws for the protection of migratory birds, or officials of the Forest Service designated by the Secretary of Agriculture to aid in the enforcement of the laws of the States with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game appearing on behalf of a State in prosecutions under State laws, shall not accept witness fees but will be paid expenses for travel and subsistence in accordance with the Fiscal Regulations.

(II) When an employee is, by reason of his official position, subpoenaed as a witness (otherwise than for the Government as provided in sub-paragraph (I)), and his attendance as such witness is approved by the chief of his bureau, he will not be required to take leave but shall collect witness and other fees. He shall deduct from the amount of the fees all subsistence, travel and other necessary expenses allowable under the Fiscal Regulations of the department and transmit the balance to the chief of his bureau accompanied with an account of his expenses stated in items and sworn to. After the account has been audited the balance shall be transmitted by the bureau to the disbursing clerk of the department for deposit to the credit of miscellaneous receipts. The account shall be retained in the bureau files.

(III) When an employee is subpoenaed as a witness in any case not covered by sub-paragraphs (I) and (II) he shall be required to take annual leave when absent from his duties for more than four hours or, where annual leave has been exhausted, leave without pay. Witness and other fees may be collected by him and need not be accounted for.

[illegible]

[illegible]

[illegible]

[illegible] on (3) of paragraph 444 of the administrative regulations [illegible] amended to read as follows:

(3) Witness fees. An employee of the department, properly subpoenaed and permitted to testify in proceedings with the approval [illegible] of the department in the [illegible] matter [illegible]

(I) When an employee appears as a witness on behalf of [illegible] he shall not accept witness fees but his account for travel and subsistence as should be presented to the marshal or other officer [illegible]

An employee appearing as a witness on behalf of the United States in any case originating in this department, or a field employee appearing in the enforcement of the migratory bird law appearing on behalf of a State in prosecutions under State laws for the protection of migratory birds, or officials of the Forest Service designated by the Secretary of Agriculture to aid in the enforcement of the laws of the States with respect to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game or acting on behalf of a State in prosecutions under State laws, shall not accept witness fees [illegible] with the Federal Government.

(II) When an employee is, by reason of his official position, subpoenaed as a witness (otherwise than for the government as provided in sub-paragraph (I)), on his attendance as such witness is secured by the chief of his bureau, he will not be required to take leave but shall collect witness and other fees. He shall deduct from the amount of the fees all subsistence [illegible]

Thereupon the officers of the department and transmit the balance to the chief of his bureau accompanied with an account of his expenses incurred in travel and return to. After the account has been audited the balance shall be transmitted by the bureau to the disbursing clerk of the department for deposit to the credit of miscellaneous receipts. The account shall be audited in the bureau office.

(III) When an employee is subpoenaed as a witness in any case not covered by sub-paragraphs (I) and (II) he shall be [illegible] [illegible] than four hours or, where annual leave has been exhausted, leave without pay. Witness and other fees may be collected by him and [illegible] be accounted for.

This section of paragraph 688 has been rewritten in its entirety to clarify its meaning and to set forth in three separate subsections precisely the conditions under which an employee may or may not accept witness fees. It has been amended so as not to require an employee serving as a witness to take leave without pay unless annual leave has been exhausted, nor to take annual leave except when absent from his duties for more than four hours while serving as a witness in a case other than those covered by subparagraphs (I) and (II).

Secretary.

MEMORANDUM No.

Amendment to the Administrative Regulations.

Section (b) of paragraph 688 of the Administrative Regulations is hereby amended to read as follows:

(b) Witness fees. An employee of the department, properly subpoenaed and permitted to testify in accordance with the preceding paragraph, will be governed by the following provisions:

(I) When an employee appears as a witness on behalf of the United States in any case not originating in this department, he shall not accept witness fees but his account for travel and subsistence should be presented to the marshal or other officer of the court authorized to pay the expenses of witnesses. An employee appearing as a witness on behalf of the United States in any case originating in this department, or a field employee engaged in the enforcement of the migratory bird law appearing on behalf of a State in prosecutions under State laws for the protection of migratory birds, or officials of the Forest Service designated by the Secretary of Agriculture to aid in the enforcement of the laws of the States with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game appearing on behalf of a State in prosecutions under State laws, shall not accept witness fees but will be paid expenses for travel and subsistence in accordance with the Fiscal Regulations.

(II) When an employee is, by reason of his official position, subpoenaed as a witness (otherwise than for the Government as provided in sub-paragraph (I)), and his attendance as such witness is approved by the chief of his bureau, he will not be required to take leave but shall collect witness and other fees. He shall deduct from the amount of the fees all subsistence, travel and other necessary expenses allowable under the Fiscal Regulations of the department and transmit the balance to the chief of his bureau accompanied with an account of his expenses stated in items and sworn to. After the account has been audited the balance shall be transmitted by the bureau to the disbursing clerk of the department for deposit to the credit of miscellaneous receipts. The account shall be retained in the bureau files.

(III) When an employee is subpoenaed as a witness in any case not covered by sub-paragraphs (I) and (II) he shall be required to take annual leave when absent from his duties for more than four hours or, where annual leave has been exhausted, leave without pay. Witness and other fees may be collected by him and need not be accounted for.

AMENDMENT No.

Amendment to the Administrative Regulations.

Section (b) of paragraph [illegible] of the Administrative Regulations is hereby amended to read as follows:

(b) Witness fees. An employee of the department, properly subpoenaed and permitted to testify in accordance with the preceding paragraph, will be advanced by the following procedure:

(I) When an employee appears as a witness on behalf of the United States in any case not originating in this department, he shall not accept witness fees but his account for travel and subsistence should be presented to the marshal or other officer of the court authorized to pay the expenses of witnesses.

An employee appearing as a witness on behalf of the United States in any case originating in this department, or a field employee engaged in the enforcement of the migratory bird law appearing on behalf of a State in prosecutions under State laws for the protection of migratory birds, or officials of the Forest Service designated by the Secretary of Agriculture to aid in the enforcement of the laws of the States with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game appearing on behalf of a State in prosecutions under State laws, shall not accept witness fees but will be paid expenses for travel and subsistence in accordance with the Fiscal Regulations.

(II) When an employee is, by reason of his official position, subpoenaed as a witness (otherwise than for the Government as provided in sub-paragraph (I)), and his attendance as such witness is approved by the chief of his bureau, he will not be required to take leave but shall collect witness and other fees. He shall deduct from the amount of the fees all subsistence, travel and other necessary expenses allowable under the Fiscal Regulations of the department and transmit the balance to the chief of his bureau accompanied with an account of his expenses stated in items and sworn to. After the account has been audited the balance shall be transmitted by the bureau to the disbursing clerk of the department for deposit to the credit of miscellaneous receipts. The account shall be retained in the bureau files.

(III) When an employee is subpoenaed as a witness in any case not covered by sub-paragraphs (I) and (II) he shall be required to take annual leave when absent from his duties for more than four hours or, where annual leave has been exhausted, leave without pay. Witness and other fees may be collected by him and need not be accounted for.

This section of paragraph 688 has been rewritten in its entirety to clarify its meaning and to set forth in three separate subsections precisely the conditions under which an employee may or may not accept witness fees. It has been amended so as not to require an employee serving as a witness to take leave without pay unless annual leave has been exhausted, nor to take annual leave except when absent from his duties for more than four hours while serving as a witness in a case other than those covered by subparagraphs (I) and (II).

Secretary.

UNITE STATES DEPARTMENT OF AGRIC LTURE
OFFICE OF THE SOLICITOR
WASHINGTON, D. C.

1/28
Acknowledge
F.B.M.
JAN 12 1925
For action

Dear Mr. Secretary:

I have considered the attached letter from Professor Marvin with reference to witness fees received by employees of the Weather Bureau subpoenaed to testify in State courts in private controversies relative to official records in their custody concerning weather conditions.

A conference with Dr. Clark of the Weather Bureau has developed the following facts which do not appear in the attached letter: (1) A record kept during the past twelve years shows an average of 750 cases each year, in which employees, and in nearly all instances the official in charge of a station, have been subpoenaed to testify as to weather conditions on a specified date. The fees average per year, on the twelve year basis, approximately $2,600 or about $3.75 in each case. (2) The greatest demand for this service arises principally in three cities, New York, Chicago and Philadelphia.

Dr. Clark stated that since the Weather Bureau is the sole custodian of official weather records, the furnishing of testimony before the courts constitutes a service to the people of nearly the same character and importance as weather and storm forecasts given daily.

The questions presented in Professor Marvin's letter are (1) whether or not witness fees should be required to be paid to the Weather Bureau officials subpoenaed to testify to weather conditions, etc., and (2) what disposition should be made of these fees. With reference to whether fees should be required, Dr. Clark feels that if it were generally known that the services of Weather Bureau employees could be had without the cost of the usual witness fee, the demand for the services of Weather Bureau employees at times would be so great that the service of forecasting, especially in the larger cities, would be disrupted. In other words, it is deemed that the fee would act as a brake upon the too general demand for such services.

At the present time fees are paid to the employee who is then required to take leave without pay. The application of this system to the New York station results in the Bureau paying but approximately one-half of the salary of the chief of that station. The Bureau does not consider this conducive to good administration and much prefers permitting the employee to testify, requiring him to accept the usual witness fee and remit it to the disbursing clerk of the Department for deposit to the credit of miscellaneous receipts.

I have given this matter most careful consideration and am unable to find any legal objection to the procedure suggested by Professor Marvin, namely, to require the employee to testify when properly subpoenaed, accept the usual fee and transmit the same to the disbursing clerk of the Department for deposit to the credit of miscellaneous receipts. These

fees would, it appears to me, come within the provisions of Section 3617 of the Revised Statutes, as moneys received from "whatever sources for the use of the United States. " Such a procedure appears to me to be preferable from an administrative viewpoint to that which now obtains. If you approve Professor Marvin's recommendation, paragraph 688 (b) of the Administrative Regulations should be changed accordingly.

Professor Marvin's letter is returned herewith.

Very truly yours,

C M Boyle

Solicitor.

Enclosure.

UNITED STATES DEPARTMENT OF AGRICULTURE
WEATHER BUREAU
WASHINGTON

Office of the Chief

November 7, 1924.

Solicitor
The Secretary would like to have your comments
HWB

MEMORANDUM FOR THE SECRETARY.

Dear Mr. Secretary:

Reference is made to Memorandum No. 488, and Par. 59 of the Administrative Regulations of the Department of Agriculture, regarding: "Appearance, fees, and expenses of Department employees as witnesses in judicial proceedings".

The Weather Bureau has promulgated these regulations at its 200 field stations, and they are being followed in nearly all particulars. However, their strict application, as regards the receipt of occasional witness fees by Weather Bureau officials, is not entirely satisfactory and practicable.

The appearance in courts of Weather Bureau officials with meteorological records, in answer to subpoenas, and the giving of testimony by them, is a service often urgently required and sought, and benefits the whole public. In many cases it is a service that it is necessary be performed in order to bring about justice and equity between man and man. The United States Weather Bureau is the sole custodian of the records that bear on the questions involved. Such records presented in person by an official of the Bureau as

a witness constitute the ideal authority and procedure to establish important matters of scientific fact in any court of justice.

Occasionally Weather Bureau officials are proffered and receive regular subpoenas and court fees for such service rendered and required for only a small portion of a day; and not desired and practicable to be covered by leave without pay as provided for in Memorandum No. 488, first above mentioned. The Weather Bureau now requests that the Department give authority or instructions to the effect that all such fees received shall be paid into the Treasury as miscellaneous receipts.

It is believed that an instruction to Weather Bureau employees, such as follows, would meet the situation, and its approval in present or modified form is recommended:

> All fees received by employees of the Weather Bureau, when properly subpoenaed to appear in court with meteorological records or for the purpose of giving testimony concerning the subject matter of Weather Bureau work, requiring only a small portion of a day at official stations, shall hereafter be paid into the Treasury as miscellaneous receipts.

Respectfully,

C. F. Marvin

Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

ADDRESS REPLY TO
CHIEF, FINANCE AND ACCOUNTS
AND REFER TO

FA
Supervision

WASHINGTON, D. C.

December 12, 1927.

Memorandum for Mr.Robbins

Dear Mr. Robbins:

Reference is made to the attached proposed revision of Par. 688 of the Departmental Administrative Regulations and your informal memorandum of December 6 transmitting it.

In Par. 4 page 2 of the regulation under the heading "Witness Fees and Expenses of Travel and Subsistence" it is suggested that the words "or District Forester" be added at the end of the first sentence making the sentence read "in case (c) fees are not allowable unless authorized in advance by the Chief of Bureau or District Forester". Under the heading "Appearance" on page 2 provision is made for the District Forester as well as Chief of Bureau to determine the matter of the production of official records in cases involving private litigation. It is felt that the District Foresters should be similarly authorized to determine the allowance of witness fees to their employees in cases involving private litigation.

In Par. 2 under the heading "Leave" on page 2 of the proposed regulation the following provision appears "in case (c), if employee is authorized to accept fee, leave without pay must be taken." No such provision relative to mandatory leave without pay is made under class (d) and with respect to Forest Service employees I can see no basis for discrimination between the two classes of cases. Both classes have to do with private litigation, the only distinction being that class (c) cases involve use by the employee of department records or department facts while class (d) cases do not. If the employee is given possession of Government records or is permitted to testify relative to official facts there is no logic under Forest Service conditions to deny him the witness fee allowed by the court to other witnesses, provided annual leave is charged.

I feel very strongly so far as the question of leave is involved that class (c) and (d) cases should be placed on the same basis, or if that is impracticable from the Department standpoint, that the charging of leave without pay in class (c) cases be left optional with the Chief of

Bureau or District Forester. There are quite a number of cases relating to private litigation where forest officers are called upon as witnesses and authorized to use official documents or to testify regarding matters on which they obtained their information by virtue of official duty. The probabilities are that equally as many such cases develop as do class (d) cases involving no official connection whatever. In the class (c) cases it is no fault of the forest officer that he has knowledge of the official facts on which his testimony is based and clearly he should not be penalized by taking away his salary because of his knowledge of such facts. The fact should be taken into account that the court fee is invariably small, usually much less than the employee's salary.

It is recommended that further consideration be given the second paragraph under "Leave" and it is hoped that the regulation may be revised so as to allow Forest Service employees in both class (c) and (d) cases to take annual leave and accept witness fees at the same time.

Very truly yours,

Enclosure.

Chief, Finance and Accounts.

November 20, 1925.

MEMORANDUM for Dr. Clark
Weather Bureau

Dear Dr. Clark:

Although you were told at our conference a few weeks ago that no amendment of Paragraph 68 was in view, provided the Weather Bureau problems could be solved without such change, I have since found that as the regulation now stands it seems unequivocally to require that an employee appearing unofficially in a private case must take leave without pay. This has been widely criticized and should be changed. Since an amendment was necessary the occasion has been taken to rearrange and shorten the paragraph. The Solicitor has informally approved the enclosed draft. You will see however that the new version in no wise disturbs your present practice and carries exactly the authority upon which you are now proceeding. Kindly look it over and return with any comment or criticism you see fit.

Very truly yours,

11/27

Copies of draft also sent 11/20/25 to—

✓ Allanson
✓ Linton 12/5
✓ Learroll 11/28
✓ Kitchen = 11/25

November 30, 1933.

[illegible] for Mr. Stern
[illegible]

Dear Mr. [illegible]:

Although you very kindly told at our conference a few weeks ago that an amendment to Section 30 was in view, prompted by certain serious problems which had arisen without such change, I have never found out on the regulation now which it seems unfortunately to require that an employee superintendent in a motorbus company must make large written pay. This has been widely criticized and should be changed. Have an amendment was necessary the commission has been loath to rearrange and shorten the paragraph. The Bulletin has informally approved the proposed draft. You will see however that the new version in no wise disturbs your present practice and carries exactly the authority upon which you are now proceeding. Kindly look it over and return with any comment or criticism you see fit.

Very truly yours,

Copies to draft also sent
"Notes to—
Gallanor
Gunlor
Barrows
Bulcolen:

Dear Shirley,

This fellow is for sure G.N. and a big pain in the ass over advertising regulation,

N.R.

Mr Robbins:

Note the trading opinion, with which I agree

WEB

	Beef, weight.	Veal, weight.	Mutton, weight.	Goat meat, weight.	Pork, weight.	Total weight.
In stock close of previous month						
Placed in stock from this establishment						
Received from other official establishments						
Total						
Removed for sterilization at this establishment						
Removed for rendering and tanking						
Shipped to other official establishments						
Condemned on reinspection						
Total						
On hand at close of month						

8—9781

Inspector in Charge.

REPORT OF COURT ATTENDANCE

(Station) ..... (Date) ....., 192

Report of court attendance, called for by paragraph 688, Department of Agriculture Regulations, and Instructions No. 12, dated October 31, 1925.

Date	Place	Parties litigant	Time spent in travel and attendance	Expenses incurred, and fees paid or promised, if any. (No fee permitted unless previously authorized.)

Fees or expenses paid	By whom	Character of action	Nature of testimony

(Signature) .....

Meteorologist.

(WB—11-9-25—3,000) 3

UNITED STATES DEPARTMENT OF AGRICULTURE
WEATHER BUREAU
Office of Assistant Chief WASHINGTON

November 24, 1925.

MEMORANDUM FOR MR. L. O. ROBBINS

Dear Mr. Robbins:

I received your memorandum of November 20, 1925, inclosing a preliminary or tentative draft of an amendment simplifying and clarifying Paragraph 688, "Appearance, Fees and Expenses of Department Employees as Witnesses in Judicial Proceedings."

I have studied this proposed draft carefully, comparing it with the previous instructions and visualizing it in the light of our own special and more drastic instructions regarding the receipt of witness fees by Weather Bureau employees.

Since the conference with you several weeks ago and the receipt of letter of October 6, 1925, from the Director, this Bureau has issued to its field stations positive instructions prohibiting the acceptance of any fees in court cases, nearly all of which come within the purview of paragraph (c) of your new proposed regulations.

I believe that your proposed regulations are satisfactory and consistent with the many cases arising in this Bureau, with one exception, as follows: At the bottom of the first page of your proposed draft, under the caption "Witness Fees and Expenses of Travel and Subsistence," in the third paragraph is stated: "In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the court or arranged for with the summoning party; but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau."

I would suggest a slight modification, by the addition of the underscored words: "In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the court or arranged for with the summoning party, in cases arising outside of the official station of the Department employee (no reimbursement

for expenses or travel permitted in local cases); but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau."

It is felt that if the paragraph is left as you have drafted it, there will be some confusion on the part of a great many Weather Bureau men as to the permissibility for them to receive reimbursement for expenses in a large number of local cases in which they are subpoenaed as witnesses. This has been the source of a great deal of difficulty and trouble with us and we have recently prohibited the acceptance of any local expenses. In fact, it would seem to be illegal and improper for expenses to be received in local cases because such expenses must be necessarily made up of car fare or taxicab expenses and meals. Both of the latter would probably be disallowed in any accounting for reimbursement at an official station.

Respectfully,

C. C. Clark,
Assistant Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ADDRESS REPLY TO
CHIEF, FINANCE AND ACCOUNTS
AND REFER TO
FA
Supervision

WASHINGTON, D. C.

November 23, 1925.

Memorandum for Mr. Robbins,
Office of Personnel & Business Administration.

Dear Mr. Robbins:

Your memorandum of November 20 addressed to Mr. Anderson, has been referred to this office for reply.

I have reviewed the proposed revision of Par. 688 of the Fiscal Regulations and it appears to fully meet the needs of the Forest Service with the single exception of those cases falling under group (c). The Service would prefer to have the regulation provide for approval by the District Forester instead of the Forester on the matter of the acceptance of fees by field employees. Also we would like the question of leave without pay to be left to the discretion of the proper administrative officer (Forester or District Forester), instead of being made mandatory as proposed.

It is hoped that the suggestions offered will be found acceptable.

Very truly yours,

Chief, Finance and Accounts.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SOLICITOR
WASHINGTON

May 23, 1925.

Dear Mr. Ashley:

With reference to Mr. Campbell's query: When the regulations originally appeared, the Forest Service and the Bureau of Biological Survey were the only bureaus authorized to aid the States in the enforcement of laws similar to or which could be regarded as supplementary of Federal laws. Authority for the Forest Service will be found in the Act of May 23, 1908 (30 Stat. 259), and the Biological Survey in the item for the enforcement of the Migratory Bird Treaty Act, similar to that carried in the current appropriation act. However, since that time several of the bureaus have received similar authority, for example, see the item in the appropriation act for the fiscal year ending June 30, 1926, preventing spread of Japanese beetle, and so I think (1) of the proposed regulation could be changed so as to include all officials of the Department employed in enforcing laws where cooperation with States is permitted. I think this would be preferable, rather than following Mr. Robbin's suggestion, since the Comptroller's decisions would require the employee in many cases to secure an interpretation of his particular case.

As to Mr. Robbin's objection to (II), I do no believe any question

(over)

will be raised about it, particularly in view of the fact that the only money involved will be that paid into the Treasury which is rarely, if ever, questioned. I appreciate this is no legal reason but seems to me a very practicable one.

J. P. Wenchel.

November 20, 1925.

MEMORANDUM for Mr. Anderson
Forest Service

Dear Mr. Anderson:

On July 11, 1925, Acting Forester Kneipp sent a letter - FO Supervision - to the Director of Personnel and Business Administration suggesting certain changes in Paragraph 688, Administrative. The matter lay dormant for some time pending consideration of a rather troublesome phase of the matter affecting the Weather Bureau. I am now sending you a proposed rewrite of 688 cutting out the unreasonable requirement of leave without pay in unofficial appearances in private cases and shortening the paragraph. The present draft has received the informal approval of the Solicitor's office. Will you kindly look it over and let me have any comments or criticisms that occur to you.

Very truly yours,

UNITED STATES DEPARTMENT OF AGRICULTURE

Director of Personnel & Business Administration

November 20, 1925.

Administrative Assistant

Dear Mr. Carroll:

Paragraph 686, Administrative in its present form requires an employee appearing unofficially in a private case to take leave without pay. Since there is neither rime nor reason in this, an amendment has been decided upon; and the occasion seemed good to shorten down the paragraph. The enclosed has received the Solicitor's informal approval. Will you kindly look it over and return with such comment or criticism as you see fit.

Very truly yours,

L. R. Robbins

This letter covers more than one subject. Cross reference has been made under the following numbers:

8.027.2

Extra carbon copies of reply should be made for the above numbers as well as for original letter.

Dear Mr. Darroll:

(a) Employees testifying for the United States in cases arising within the department or growing out of the violation of laws of a State or subdivision thereof in the enforcement of which employees of the department have been authorized to assist, including laws with respect to migratory birds, stock, the protection of fish and game, and the prevention and extinguishment of forest fires.

(b) Employees testifying for the United States in cases not arising within the department.

688.- APPEARANCE, FEES AND EXPENSES OF GOVERNMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

~~(a) Employees testifying for the United States or for a cooperating state in court litigation [illegible] or within the scope of the cooperative work.~~

~~(b) Employees engaged in the enforcement of the migratory bird treaty act, officials of the Forest Service detailed by the Secretary to aid in enforcing laws of a State with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents will be issued by the proper local official.~~

~~Employees testifying for the United States in cases not involving the department or specified in (a).~~

(c) Cases between private parties where the employee is called upon to produce records of the Department or to testify as facts or information officially acquired within the Department.

(d) Cases between private parties where the employee's testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. But in both (c) and (d), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the number in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the Department, who will promptly advise whether the employee may be compelled to appear or testify.

Witness Fees and Expenses of Travel and Subsistence.

The terms "fees" and "expenses" are distinct. The first means the amount allowed as pay for attendance; the second, the amount allowed to cover travel and subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the Department appropriations as in case of official travel.

In case (b) no fees are allowable. The expense account should be presented to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the

[illegible]

court or arranged for with the complaining party; but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized by exempt fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d), leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

E

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF PLANT INDUSTRY

OFFICE OF CHIEF OF BUREAU

WASHINGTON, D. C.,
November 25, 1925.

MEMORANDUM FOR MR. ROBBINS.

Dear Mr. Robbins:

I am returning herewith the suggested revision of the Administrative Regulations in regard to the appearance, fees, and expenses of employees as witnesses in judicial proceedings. I have no suggestions to offer. As stated I believe the regulations are O. K. I agree with you in that I do not see any reason why an employee appearing unofficially in a private case should be required to take leave without pay. I have discussed the enclosure with Dr. Kellerman and it also has his approval.

Very sincerely,

Assistant to the Chief.

Enclosure.

GPO

688.- APPEARANCE, FEES AND EXPENSES OF DEPARTMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

(a) Employees testifying for the United States or for a cooperating State or subdivision thereof in cases arising within the department or within the scope of its cooperative work.

(b) Employees engaged in the enforcement of the migratory bird treaty act, officials of the Forest Service designated by the Secretary to aid in enforcing laws of a State with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local officials,

Employees testifying for the United States in cases not arising in the department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the Department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee's testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. But in both (c) and (d), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be compelled to appear or testify.

Witness Fees and Expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.

In case (b) no fees are allowable. The expense account should be presented to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the

court or arranged for with the remaining party; but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d), leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF CHEMISTRY

WASHINGTON, D. C.

ADDRESS REPLY
CHIEF, BUREAU OF CHEMISTRY
AND REFER TO

DEC 4 - 1925

Mr. L. Robbins,

Office of Director of Personnel

and Business Administration.

Dear Mr. Robbins:

I have your memorandum of November 20, 1925 regarding proposed revision of paragraph 688 of the Administrative Regulations. I believe that the suggested revision is an improvement. I have no changes to suggest and would recommend its adoption.

Respectfully,

F. B. Linton

F. B. Linton,
Assistant to the Chief.

Enclosure.

688.- APPEARANCE, FEES AND EXPENSES OF DEPARTMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

(a) Employees testifying for the United States or for a cooperating State or subdivision thereof in cases arising within the department or within the scope of its cooperative work.

Employees engaged in the enforcement of the migratory bird treaty act, officials of the Forest Service designated by the Secretary to aid in enforcing laws of a State with regard to stock, for the prevension and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local officials,

(b) Employees testifying for the United States in cases not arising in the department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee's testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. But in both (c) and (d), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be compelled to appear or testify.

Witness Fees and Expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.

In case (b) no fees are allowable. The expense account should be presented to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the

888.- APPEARANCE, FEES AND EXPENSES OF DEPARTMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

(a) Employees testifying for the United States or for a cooperating state or subdivision thereof in cases arising within the department or within the scope of its cooperative work.

Employees engaged in the enforcement of the migratory bird treaty act, officials of the Forest Service designated by the Secretary to aid in enforcing laws of a State with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local official.

(b) Employees testifying for the United States in cases not arising in the department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee's testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.
In case (c) there must be no appearance without subpoena.
In case (d) the department is not interested in the manner of appearance. But in both (c) and (d), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be compelled to appear or testify.

Witness Fees and Expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.
In case (b) no fees are allowable. The expense account should be presented to the United States marshal for payment.
In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the

court or arranged for with the summining party; but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave nned be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d), leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

court or arrange for with the auditing party; but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave need be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d), leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

(e) Employees testifying for the United States in cases not relating in the government or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the government or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee's testimony has no official character.

In cases (a) and (b), may be without subpoena.

In case (c) there must be no subpoena without subpoena.

In case (d) the department is not interested in the manner of appearance. But in both (c) and (d), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the matter in suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be compelled to appear or produce.

Witness fees and expenses of travel and subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the appropriations as in case of official travel.

In case (b) the United States marshal has payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be authorized as allowed by the

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
WASHINGTON, D. C.

Nov. 24, 1925.

MR. ROBBINS:

I think the changes suggested in the Regulations on this subject are entirely consistent and should be put into effect.

C. W. Crichen
Business Manager.

Enclosures.

UNITED STATES DEPARTMENT OF AGRICULTURE
DIRECTOR OF PERSONNEL AND BUSINESS ADMINISTRATION
WASHINGTON

November 20, 1925.

Dear Mr. Kitchen:

Paragraph 688, Administrative in its present form requires an employee appearing unofficially in a private case to take leave without pay. Since there is neither rime nor reason in this, an amendment has been decided upon; and the occasion seemed good to shorten down the paragraph. The enclosed has received the Solicitor's informal approval. Will you kindly look it over and return with such comment or criticism as you see fit.

Very truly yours,

L. Robbins

688.- APPEARANCE, FEES AND EXPENSES OF DEPARTMENT EMPLOYEES AS WITNESSES IN JUDICIAL PROCEEDINGS.

The cases involving appearance will be treated in the following groups:

(a) Employees testifying for the United States or for a cooperating State or subdivision thereof in cases arising within the department or within the scope of its cooperative work.

(b) Employees engaged in the enforcement of the migratory bird treaty act, officials of the Forest Service designated by the secretary to aid in enforcing laws of a State with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, appearance or production of documents being requested by the proper local officials.

Employees testifying for the United States in cases not arising in the department or specified in (a).

(c) Cases between private parties where the employee is called upon to produce records of the department or to testify to facts or information officially acquired within the department.

(d) Cases between private parties where the employee's testimony has no official character.

Appearance.

In cases (a) and (b), may be without subpoena.

In case (c) there must be an appearance without subpoena.

In case (d) the department is not interested in the manner of appearance. But in both (c) and (d), the employee subpoenaed or planning appearance should notify the chief of bureau by letter or telegram, stating the names of the parties litigant, the nature of suit, and the nature of the testimony the employee expects to give. Where in case (c) the chief of bureau deems the production of record or the employee's testimony prejudicial to the public interest, he should at once refer the case to the solicitor of the department, who will promptly advise whether the employee may be expected to appear or testify.

Witness Fees and Expenses of Travel and Subsistence.

In case (a) no fees are allowable. Expenses of travel and subsistence should be paid from the department appropriations as in case of official travel.

In case (b) no fees are allowable. The expense account should be presented to the United States marshal for payment.

In case (c) fees are not allowable unless authorized in advance by the chief of bureau. Expenses may be collected as allowed by the

court or arranged for with the examining party; but a memorandum of expenses incurred and the amount received must be submitted to the chief of bureau.

In case (d) the department is not concerned with fees or expenses. No account need be rendered.

Leave.

In cases (a) and (b) no leave must be taken. The employee is regarded as on official duty.

In case (c), if employee is authorized to accept fee, leave without pay must be taken. If not so authorized, he is not required to take leave with or without pay.

In case (d), leave with pay, or if such leave has been exhausted, leave without pay, must be taken.

UNITED STATES DEPARTMEMT OF AGRICULTURE

OFFICE OF THE DIRECTOR OF REGULATORY WORK

MEMORANDUM

Mr. Robbins,

(In cases of (c) and (d) there may be some difficulty in getting reimbursement from the marshal. To avoid double of this kind ought not the witness to confer with the Sec. before traveling?

WDC

U. S. GOVERNMENT PRINTING OFFICE: 1927 J54845

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE DIRECTOR OF REGULATORY WORK

WASHINGTON

February 24, 1928.

MEMORANDUM FOR MR. L. O. ROBBINS.

Dear Mr. Robbins:

Your memorandum of February 21 concerning modification of the present fiscal regulations indicates that you have taken up with the bureaus this question and such comment as I have to make will be confined for that reason exclusively to the interest of the Food, Drug, and Insecticide Administration.

In the case of litigation of the kind described under (a), provision is made under the caption "Witness Fees and Expenses of Travel and Subsistence" for this travel and expense to be paid from Department appropriations as in the case of official travel.

In the cooperative arrangement which has been developed between the Government and State organizations in the enforcement of both the Federal and State food and drug laws a plan has been in effect for a great many years whereby the Federal Government can avail itself of the use of State employees as witnesses in prosecutions under the Federal act by being required to do no more than pay their travel and subsistence expenses. We have encouraged a tendency on the part of State executives to use employees of the Food, Drug, and Insecticide Administration wherever they can do so advantageously in the prosecution of cases under State laws. It is with the consent and approval of the heads of the State organizations that at present the State is required to pay the travel and subsistence expenses of all such Federal employees as are called as witnesses in such prosecutions. In other words, the arrangements are reciprocal. The amount of our appropriations which are allotted to Districts and to Stations is not sufficient to meet the expenses incident to the appearance of Federal employees as witnesses in State cases if requests from the States for such appearance were to continue on the present basis or were to increase, as we hope in the course of time it will. In such circumstances my suggestion is that in the matter of reimbursement for appearance as witnesses in class (a) cases authority be granted for the consummation of plans between State and Federal officials whereby such travel will be paid out of State rather than Federal funds.

Very truly yours,

W G Campbell

Director of Regulatory Work.

February 24, 1928.

MEMORANDUM FOR MR. L. O. ROBBINS.

Dear Mr. Robbins:

Your memorandum of February 21 concerning modification of the present fiscal regulations indicates that you have taken up with the bureaus this question and such comment as I have to make will be confined for that reason exclusively to the interest of the Food, Drug, and Insecticide Administration.

In the case of litigation of the kind described under (a), provision is made under the caption "Witness Fees and Expenses of Travel and Subsistence" for this travel and expense to be paid from Department appropriations as in the case of official travel.

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Very truly yours,

Director of Regulatory Work.

February 24, 1938.

MEMORANDUM FOR MR. J. C. [illegible]

Dear Mr. [illegible]:

Your memorandum of February 21 concerning modification of the present fiscal regulations indicates that you have taken up with the Bureau this practice and also memorandum of I [illegible] to which will be confirmed for this reason exclusively to the jurisdiction of the Land, Army, and Investigation Administration.

In the case of application of the new department under (a), provision is made under the [illegible] "Travel and Subsistence" for this travel and expense to be paid from appropriations appropriations as in the case of official travel.

In the cooperative arrangement which has been developed between the Government and State organizations in the enforcement of both the Federal and State food and drug laws a plan has been in effect for a great many years whereby the Federal Government can avail itself of the use of State employees as witnesses in prosecutions under the Federal act by being required to do no more than pay their travel and subsistence expenses. We have encouraged a tendency on the part of State executives to use employees of the Food, Drug, and Insecticide Administration whenever they can do so advantageously in the prosecution of cases under State laws. It is with the consent and approval of the heads of the State organizations that at present the State is required to pay the travel and subsistence expenses of all such Federal employees as are called as witnesses in such prosecutions. In other words, the arrangements are reciprocal. The amount of our appropriations which are allotted to Districts and to Stations is not sufficient to meet the expenses incident to the appearance of Federal employees as witnesses in State cases if requests from the States for such appearances were to continue on the present basis or were to increase, as we hope in the course of time it will. In such circumstances my suggestion is that in the matter of reimbursement for expenses of witnesses in cases (a) cases automatically be granted for the consideration of plans between State and Federal officials covering such travel will be paid out of funds [illegible] Federal funds.

Very truly yours,

Director of Regulatory Work.

UNITED STATES DEPARTMENT OF AGRICULTURE
DIRECTOR OF PERSONNEL AND BUSINESS ADMINISTRATION
WASHINGTON

February 21, 1928.

MEMORANDUM FOR MR. CAMPBELL, DIRECTOR OF REGULATORY WORK.

I shall appreciate your examination of and comment upon the attached proposed amendment of paragraph 683 of the administrative regulations.

It has been circulated among most of the larger bureaus and seems to be satisfactory with one exception. As it now stands, employees testifying in private cases as to official records or officially obtained information or experience must, if they are to accept the fee as distinct from the subsistence and expense money, take leave without pay. The cases chiefly in mind were those which arise in the Weather Bureau. Sometimes Weather employees devote considerable time to getting up data of official character which they present as experts. They are paid expert fees of substantial amount. The thought was that it was inequitable to the Government that they should both receive their regular salary and the fee. If they chose to take leave without pay, that is another matter.

The Forest Service think that it should be discretionary with the chief of bureau or the district forester whether the employee shall be required to take leave without pay in this case. They think that unless there is this discretion the employee may suffer hardship. They say that in some jurisdictions the allowance for subsistence and travel is too small to provide comfortably for the witness's wants, and that the witness should therefore be allowed the fee in addition to the expense money without being obliged to take leave without pay.

I should be glad to have your view on this point as well as your comment on the changes in general. If it would be more convenient to give these verbally, I shall be glad to come down to your office at any time which may suit you.

L. O. Robbins

MEMORANDUM FOR MR. CAMPBELL, DIRECTOR OF REGULATORY WORK.

I shall appreciate your examination of and comment upon the attached proposed amendment of paragraph 688 of the administrative regulations.

It has been circulated among most of the larger bureaus and seems to be satisfactory with one exception. As it now stands, employees testifying in private cases as to official records or officially obtained information or experience must, if they are to accept the fee as distinct from the subsistence and expense money, take leave without pay. The cases chiefly in mind were those which arise in the Weather Bureau. Sometimes Weather employees devote considerable time to getting up data of official character which they present as experts. They are paid expert fees of substantial amount. The thought was that it was inequitable to the Government that they should both receive their regular salary and the fee. If they chose to take leave without pay, that is another matter.

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I should be glad to have your view on this point as well as your comment on the changes in general. If it would be more convenient to give these verbally, I shall be glad to come down to your office at any time which may suit you.

L. O. P.

obliged to take leave without pay.

I would be glad to have your view on this which as well as your
comments on the request it involves. If it would be more convenient to
give them verbally, I shall be glad to have them on your return or any
time which may suit you.

F

DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.

June 30, 1928.

MEMORANDUM NO. 582.

Plant Quarantine and Control Administration.

In addition to continuing his services as Chief of the Bureau of Entomology, Dr. C. L. Marlatt is hereby designated as Chief of the Plant Quarantine and Control Administration, which becomes established on July 1, 1928. Mr. S. A. Rohwer is designated as Assistant Chief of this Administration.

Mr. J. E. Graf is designated Assistant Chief of the Bureau of Entomology, effective July 1, 1928. He will continue his assignment as leader of the Truck Crop Division and will also be responsible for matters pertaining to the business administration of the Bureau.

W M Jardine

Secretary.

To Mrs. H. Wiley Personnel

DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

JUL 16 1928

Memorandum No. 583.

Amendment of the Fiscal Regulations.

Paragraph 2, of the Fiscal Regulations of the Department (last amendment by Memorandum No. 554, of July 1, 1926) is amended as follows:

2. GENERAL BUREAU AUTHORIZATION. - Chiefs of bureaus are authorized, within the terms of the appropriations for their bureaus, and in conformity with the law, the decisions of the Comptroller General, and the fiscal and other regulations, (a) to direct necessary travel within the continental United States and in the parts of Canada and Mexico contiguous to the United States by their employees generally, and travel in the territories and insular possessions of the United States by their employees there stationed, allowing subsistence on either the actual expense or per diem basis; (b) to issue purchase orders for supplies and for job work; (c) to incur such other expenses as may be necessary and proper to carry on the work of their bureaus; and (d) to delegate any part of this authority to their subordinates.

The following new paragraph is added to the regulations:

2.1. PUBLICATION OF ADVERTISEMENTS - Authority to direct the publication of advertisements and notices in newspapers or trade journals either by direct order to the publisher on the General Accounting Office form or by a department form letter to a subordinate officer, authorizing the issuance by him of such direct order to the publishers of newspapers or trade journals specified in such letter, is delegated to chiefs of bureaus, district foresters, forest supervisors, district engineers of the Bureau of Public Roads, and directors of the insular and Alaska experiment stations.

The amendment is made necessary by General Regulation No. 66 of the Comptroller General and Supplement 1 thereof, and by decision of the Comptroller General to the Secretary of Agriculture A-18608, of June 14, 1928, holding that while the authority to advertise may be delegated by the Secretary, re-delegation is not permissible. The department form referred to in the new paragraph, together with other new procedure in advertising, will be dealt with in a circular of the Director of Personnel and Business Administration.

R. W. Marvin

Acting Secretary.

Form 423a

U. S. DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FINANCE AND ACCOUNTS

WASHINGTON, D. C., 7/5, 1928

Mr Robbins:

In 2.1 suggest omit comma after "district engineers" substituting if desired the words "of the" for the comma. It isn't clearly shown now that it refers only to dist. engrs. of BPR. Some of our dist. engrs. may assume that they are included.

At bottom of sheet of circular. Will the symbol numbers require any distinguishing mark to show they are not contract numbers. "A4fs-246" heretofore meant a contract. Wonder if it should be qualified "A4fs-246 Adv." Otherwise think OK

OMB

DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.

AUG 10 1928

MEMORANDUM NO. 584.

Amendment of the Administrative Regulations.

The following paragraphs or parts of paragraphs of the administrative regulations of the department are revoked: 627a2,3,4,5,7; 627b1,2,3,4; 627c, 627d; 628, 629, 631, 632, third paragraph, "This report should be supplemented,etc."; 633, 635, 636, 637, 638, 639, 641.

The paragraphs affected are those relating to annual reports to Congress, discontinuance of which is authorized by Public No. 611, 70th Congress, approved May 29, 1928, "An Act to discontinue certain reports now required by law to be made to Congress."

C. W. Warburton
Acting Secretary.

Application ordered, 8/21/28. E.